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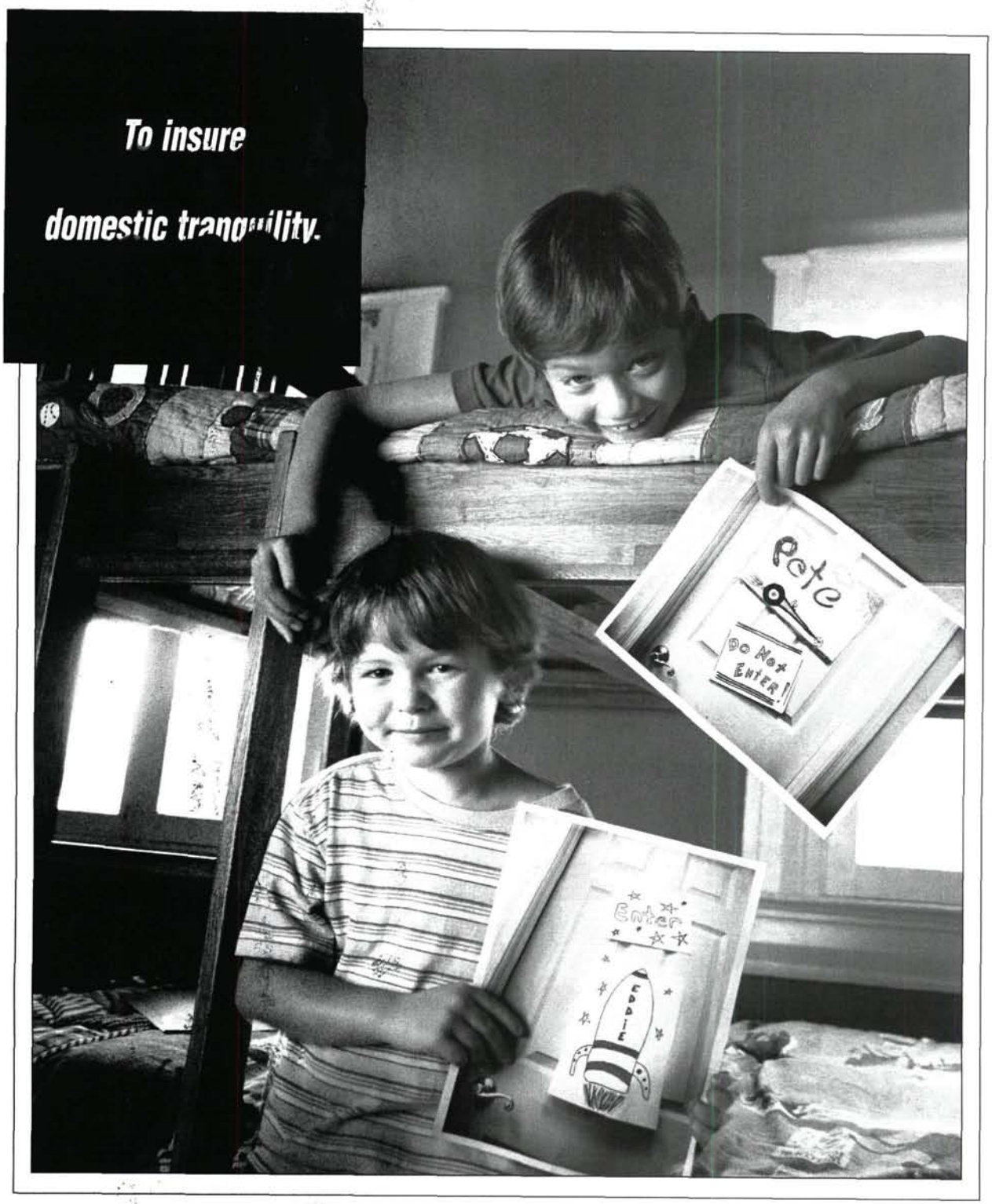

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THE NEW REPUBLIC
A Journal of Politics and the Arts

WASHINGTON, D.C.
OCTOBER 14, 2002
ISSUE 4,578

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THE NEW REPUBLIC, Vol. 227, Number 16, Issue 4,578, October 14, 2002. (Printed in the United States on October 2, 2002.) Published weekly (except for combined issues dated March 4 & 11, April 1 & 8, July 8 & 15, August 5 & 12, August 19 & 26, September 9 & 16, December 2 & 9, and December 30, 2002 & January 6, 2003) at 1331 H Street, NW, Washington, D.C. 20005. Telephone (202) 508-4444. For advertising inquiries, please contact Meredith Cossa at (202) 508-4444 or our NY sales office at (212) 465-8447. Yearly subscriptions, $59.94; foreign, $99.94 (U.S. funds); Canada, $79.94 (U.S. funds). Back issues, $8.00 domestic and $10.00 foreign/Canada (includes postage & handling). **© 2002 by The New Republic, LLC.** **(ISSN 0028-6583). Periodicals postage paid at Washington, D.C., and additional mailing offices. Rights and permissions: fax (202) 628-9383. Indexed in Readers' Guide, Media Review Digest. Microform, Canadian Periodical Index, CD-ROM, issue, and article copies are available through University Microfilms Intnl., 300 N. Zeeb Road, Ann Arbor, MI 48106. Telephone 1-800-521-0600. Postmaster: Send changes of address to The New Republic, P.O. Box 37298, Boone, IA 50037-0298. Member, Audit Bureau of Circulations. Unsolicited manuscripts can be returned only if accompanied by a self-addressed, stamped envelope (e-mail address: tnr@aol.com). For subscription inquiries or problems call 1-800-827-1289 or visit our website at www.thenewrepublic.com.**

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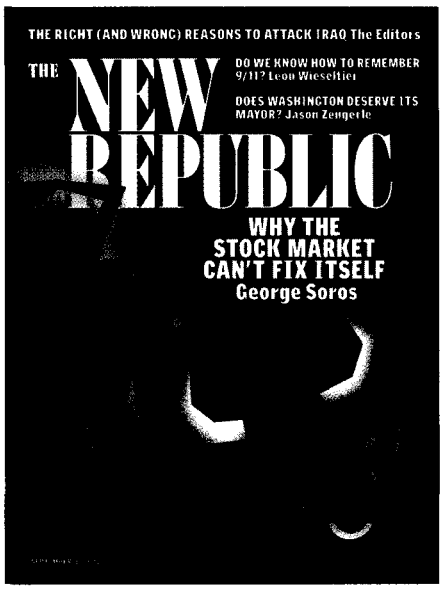
Law review

TO THE EDITORS:

Richard A. Posner's review of Alan Dershowitz's book *Why Terrorism Works: Understanding the Threat, Responding to the Challenge* says more about Posner's contempt for the choice of clients and causes of Dershowitz the lawyer than about what Posner grudgingly concedes is the "considerable merit" in the work of Dershowitz the author ("The Best Offense," September 2). Shorn of its gratuitous swipes at the professor whose "notoriety" Posner treats as a badge of dishonor, the Posner review of Dershowitz's timely study of terrorism, and of how a constitutional democracy committed to human dignity might best combat it, was actually rather favorable. But, as if to confess the injudiciousness of his own selection as the book's reviewer, Posner brandishes—with a pride hardly befitting a judge—his own inability to approach the book's merits "with a completely open mind."

The most charitable assumption I can make is that the prolific judge has been too busy writing his own "books and articles of a journalistic character on current


THE RIGHT (AND WRONG) REASONS TO ATTACK IRAQ The Editors
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DO WE KNOW HOW TO REMEMBER 9/11? Leon Wieseltier
DOES WASHINGTON DESERVE ITS MAYOR? Jason Zengerle
WHY THE STOCK MARKET CAN'T FIX ITSELF
George Soros

events"—to use the put-down with which Posner dismisses Dershowitz's many publications—to actually read more than the most popular and readily accessible among them. For to say of Dershowitz, as Posner does, that he "is not a scholar" is to betray a surprising ignorance of Dershowitz's distinguished record of teaching, research, and analysis—a record that includes a large and influential body of thought-provoking work spanning such topics as the history and empirical basis of preventive detention; Jewish culture and religion; the theological origins of Western jurisprudence; the constitutional issues surrounding affirmative action; the judicial dismantling of the Miranda rule; the enduring conundrum of the spelunking explorers; and—in collaboration with two legendary colleagues, the late philosopher Robert Nozick and the late paleontologist Stephen Jay Gould—the daunting topic of thought itself.

Dershowitz undoubtedly makes a louder splash with his less cerebral and more colorful forays into the public eye, but the same might be said of Posner's popular writings, which have run the gamut from Monica Lewinsky to the electoral face-off between George W. Bush and Al Gore. If Dershowitz's provocative style, with which Posner has more in common than I suspect I do, robs Dershowitz of the right to be appraised seriously, what is one to say of Posner the provocateur, whose incautious advocacy of baby-selling comes more readily to mind than any of the gray opinions he has penned as a federal judge? Both Posner and Dershowitz were poorly served by the judge's ill-tempered broadside against the professor. The readers of your pages deserve something better than the inexcusably dismissive book review you published—a review that caricatured the wide-ranging corpus of scholarship represented by some 18 books and over 100 articles produced over the course of a legal career that obviously calls for a fairer appraisal than Posner deigned to give it.

LAURENCE H. TRIBE
Tyler Professor of Constitutional Law
Harvard Law School
Cambridge, Massachusetts

RICHARD A. POSNER REPLIES:

I am surprised that Laurence Tribe should round on me for writing a favorable review of his friend's book. And more surprised that he should describe Dershowitz as a "scholar." Dershowitz has written some academic pieces, though none recently; according to the Harvard Law School Library's online faculty bibliography, he has published no articles since 1995 that, judging from their title or place of publication, are scholarly. My study of public intellectuals published last year shows that he received only 163 scholarly citations between 1995 and 2000, a small number for someone who has been a law

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professor for almost 40 years. Citation counts are not definitive evidence of scholarly attainment; but I am reasonably familiar with both criminal and constitutional law scholarship and can attest that Dershowitz is indeed not a major scholarly presence in these fields.

I had thought it common knowledge that, in a field with many contenders, he was among the most irresponsible of public intellectuals. He has accused a majority of the Supreme Court justices of being corrupt (not just dumb or partisan). In the wake of the 2000 election he called Florida's secretary of state a "crook." He is constantly accusing judges and prosecutors of being crooked. He said that a vote against impeaching Bill Clinton would be "a vote against anti-environmentalism." He has gotten into shouting matches on TV talk shows. He recommends that suspected terrorists be tortured for information by having needles stuck under their fingernails. He has not advocated baby-selling, but then neither have I, as Tribe would know if he were familiar with my work on the adoption market.

Tribe wishes to bracket me with Dershowitz and set himself apart. The statistics (1995-2000) of media celebrity and scholarly citations tell a different story:

Name	Media Mentions	Scholarly Citations
Dershowitz	5,778	163
Tribe	1,421	1,532
Posner	1,592	4,321

Dershowitz is no scholar, and he is frequently reckless in his public commentary. Yet he is highly intelligent and has managed to write at least one quite good book—the book I reviewed. Tribe should take his friend as he is, not pretend he's someone else—least of all me.

Overtaxed

TO THE EDITORS:

THE NEW REPUBLIC's Notebook item "The Champion" mocks White House Budget Director Mitch Daniels for saying that "Americans are being taxed at the highest peacetime rates in history" (September 2). "Peacetime rates?" TNR responds incredulously, but we are in a war, and Daniels himself published an op-ed titled "A Wartime Budget." But TNR is being disingenuous. For all the importance of the fight against Al Qaeda, it's no World War II. In 1944 about 87 percent of federal spending was military. Even after the post-September 11 changes in the budget, only 18 percent of federal spending in 2003 will go to the Pentagon. So clearly we are paying the highest taxes for domestic spending in history, the import of Daniels's claim. In 1944, 37.9 percent of gross domestic product went to the military; today only 3.5 percent does. We are not devoting our national output to defense, and Daniels is right to note that we are overtaxed by historical standards.

DAVID BOAZ
Executive Vice President
Cato Institute
Washington, D.C.

THE EDITORS REPLY:

We wrote that "by Daniels's own logic" we're at war—which was by no means an endorsement of that logic. As pointed out in these pages (see "Hide and Sneak," by Jonathan Chait, February 18), Daniels's claims that it's a "wartime budget" are disingenuous. When justifying deficits and budget cuts, Daniels says it's wartime. When justifying tax cuts, he says it's peacetime. Daniels is the one employing selective standards to suit Bush's convenience. Don't blame us for pointing that out. ■

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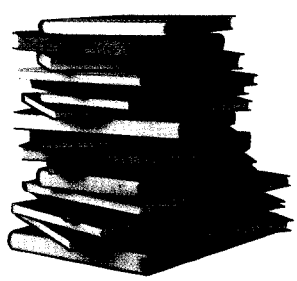

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TRB

FROM WASHINGTON

Win Win

GIVE TED KENNEDY credit. In his speech on Iraq last week at the Johns Hopkins School of Advanced and International Studies, he did two things that most Democratic war skeptics have not. First, he came close to actually taking a position. One of the most frustrating tendencies of "antiwar" Democrats has been their refusal to be forthrightly antiwar. Democratic doves keep saying it's better to attack Iraq with international support than without it. But the hard question they generally don't answer is what the United States should do if—having made a good-faith effort—we can't get that international support. What if, at the end of the day, France and Russia prefer an ineffective inspection regime, or no inspection regime at all, to war? Al Gore evaded that question in his speech in San Francisco, but Kennedy came closer to answering it. "War is the last resort," he said. "If in the end we have to take that course, the burden should be shared with our allies." That's not airtight, but it sounds reasonably clear to me that if Jacques Chirac won't support an attack, neither will the senior senator from Massachusetts. I don't agree with Kennedy's position, but at least you know where he stands.

Kennedy also fleshed out an assertion that Gore and others have made without any supporting evidence: that war with Iraq would undermine the unfinished war on terrorism. In recent weeks this has become the most popular Democratic antiwar argument, perhaps because it reminds voters that Democrats aren't against all wars and that George W. Bush still hasn't caught Osama bin Laden. For Kennedy to make it was, in a sense, disingenuous, because he would almost certainly oppose war with Iraq even if the war on terrorism didn't exist. Still, he deserves credit for laying out the argument in more detail than most of his colleagues.

Kennedy suggested three ways in which war with Iraq could undermine the war on terrorism. The first is the most straightforward: We don't have the resources to do both. War with Iraq, Kennedy explained, "may adversely affect the ongoing war against Al Qaeda and the continuing effort in Afghanistan by draining resources and armed forces already stretched so thin." But this is unconvincing. For years American strategic doctrine held that the United States could simultaneously fight two 500,000-soldier regional wars. And even though the Bush administration has scaled that back to more like one and a half, the American military is still designed to be able to put roughly 750,000 troops into battle at one time. An Iraq war would—according to the highest estimates—require 250,000. Throw in the roughly 60,000 U.S. troops in the vicinity of Afghanistan and the several thousand more scattered between the Philippines, Georgia, Yemen, Djibouti, and a few other places, and you're still not even close. As the Brookings Institution's Michael O'Hanlon explained this May in *The Wall Street Journal*, the same general calculations apply to aircraft, transport vehicles, and ammunition. The war on terrorism may be a massive undertaking politically, but Kennedy's argument ignores the fact that in strictly military terms, it's puny.

The second way Kennedy suggests a war in Iraq could undermine the war against terrorism is by convincing friendly governments to stop cooperating with the U.S. against Al Qaeda. As he put it, "To succeed in our global war against Al Qaeda and terrorism, the United States depends on military, law enforcement, and intelligence support from many other nations. . . . It is far from clear that these essential relationships will be able to survive the strain of a war with Iraq." But State Department officials say no country has even privately threatened to cut off anti-terrorism cooperation over an Iraq war. In fact, the German government, fearful that its vocal antiwar stance makes it look like an unreliable ally, has actually *increased* its anti-terrorism assistance—allowing an Al Qaeda suspect to be extradited from Pakistan to the U.S. even though Germany has legal jurisdiction and promising to expand its role in Afghan peacekeeping.

Germany is acting rationally. Few governments want to incur Washington's wrath, and those that oppose America's war against Saddam are unlikely to compound the diplomatic damage by simultaneously stiffing us on the war on terrorism. That's especially true because shared intelligence flows both ways, and governments in places like Russia, Egypt, and Pakistan are at least as threatened by Islamist terrorism as the United States. Some dovish commentators worry that even if those governments want to maintain cooperation, public opinion will force them to cut it off. But intelligence cooperation is almost by definition covert; virtually no government policy is *less* subject to public opinion. If Hosni Mubarak really feels pressure to throw Egypt's anti-American masses a bone in the wake of a U.S. invasion of Iraq, it's more likely he'll announce a boycott of U.S. products or publicly spurn a meeting with President Bush than stop his regime's clandestine cooperation with CIA personnel tracking Al Qaeda fanatics in Egypt.

The third way a war in Iraq could undermine the war on terrorism, according to Kennedy, is by "swell[ing] the ranks of Al Qaeda sympathizers and trigger[ing] an escalation in terrorist acts." But while Al Qaeda might be stronger *during* a war with Iraq, it would probably be weaker *after* one. Take the war in Afghanistan as a model. U.S. bombing sparked anti-American protests in much of the Muslim world. But once the U.S. toppled the Taliban, the protests diminished dramatically. For one thing, would-be Al Qaeda recruits saw the hopelessness of confronting American power. For another, they saw that the people of Kabul weren't on their side.

An American victory in Iraq would probably have a similar effect. Once we win—which pretty much everyone concedes we will—the anti-American protests will end. The image of the United States as a paper tiger, which animated Islamists in the 1990s, will be dealt another blow. And the image of the United States suffocating the Iraqi people through sanctions, long a staple of Al Qaeda propaganda, will likely be replaced by images of American GIs being welcomed as liberators. It's true that over time the euphoria might dissipate, and an American peacekeeping force in Iraq could generate Arab resentment. But with Saddam out of power, the United States might be able to withdraw its troops from another part of the Middle East: Saudi Arabia. And given that it is the presence of U.S. troops near Mecca and Medina that led bin Laden to turn against the United States in the first place, an American withdrawal from Saudi Arabia would probably do more to undermine Islamist recruiting than an American occupation of Iraq would do to fuel it.

Give Ted Kennedy credit. By clearly outlining his reasons for opposing war with Iraq, he's creating the debate that many others in his party have been simultaneously demanding and ducking. But just because he's fostering that debate doesn't mean he's winning it. Or that he deserves to.

PETER BEINART

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Reasonable Doubt

IN A TELEVISED interview from Baghdad last weekend, Democratic Representative Jim McDermott effectively declared the president of Iraq more credible than the president of the United States. Appearing on ABC's "This Week," McDermott argued that we should believe that Iraq would accept unrestricted weapons inspections because, well, because Iraqi officials told him they would. "I think you have to take the Iraqis on their face value," McDermott said, rather incredibly. Even as he argued that Saddam Hussein should be trusted, however, McDermott said George W. Bush should not. "I think the president would mislead the American people. ... It would not surprise me if they came with some information that is not provable, and they, they shift it. First they said it was Al Qaeda. Then they said it was weapons of mass destruction. Now they're going back and saying it's Al Qaeda again. When will that stop?"

Delivered as they were from a Baghdad rooftop, McDermott's comments were a disgrace. Yet we must interrupt our high dudgeon to note that the representative does, unfortunately, have a point. The White House's arguments for invading Iraq *have* repeatedly shifted. Even worse, in recent days they have shifted away from the real threat—that Saddam will get a nuclear bomb—and toward speculation that Iraq is in bed with Al Qaeda. Last week, in what looked like a coordinated shift in message, Condoleezza Rice claimed that Baghdad has given Al Qaeda chemical weapons training, and Donald Rumsfeld asserted that there is "bulletproof" evidence linking the two.

The White House has long understood that nothing would better seal its case for attacking Iraq than evidence of Saddam's hand in the September 11 plot. And in the weeks after the attacks, officials in the Czech Republic did seem to support that theory, claiming they had evidence of an April 2001 meeting in Prague between terrorist ringleader Mohammed Atta and a senior Iraqi intelligence official. Administration officials seized upon the report, and Vice President Dick Cheney cited it as recently as September 8 on NBC's "Meet the Press." But as Cheney himself admitted, the meeting remains unconfirmed. In fact, most U.S. intelligence officials seem to doubt it happened at all. Last month *Newsweek* reported that "[b]oth the CIA and FBI have concluded that evidence of such a meeting is tenuous and that it probably did not occur."

Even if Saddam didn't engineer September 11, is it possible he has supported Al Qaeda in other ways? Last week Rice and Rumsfeld contended that U.S. intelligence had revealed such contact, including possible chemical and biological weapons training. But these claims drew almost immediate rebuttals within the intelligence community. On September 26, ABC News quoted a "senior intelligence official" as saying, "[T]here is no smoking gun. There's not even a smoking unfired weapon." Other senior officials pooh-poohed the claims in *The Washington Post* and *The New York Times*. And writing in the *Times* this week, former Clinton National Security Council (NSC) official Daniel Benjamin said a thorough 1998 NSC study "found no evidence of a noteworthy relationship" between Iraq and Al Qaeda.

What about reports that Saddam is giving Al Qaeda members shelter? Last week Bush himself argued, "There are Al Qaeda terrorists in Iraq." But while there probably are Al Qaeda trainees in Iraq, most have relocated to the Kurdish North, an area not under Saddam's control. "The Al Qaeda people are not official guests of the Iraqi government," a "senior spook" told *Time* magazine on September 2.

As each of these assertions of a Saddam–Al Qaeda connection is challenged, Bush officials respond that we simply have to trust them. Revealing their best evidence, they say, would compromise vital sources. Still, not even those who *have* seen the evidence seem to agree that it's not very credible. Members of Congress with access to classified briefings, including Senators Joe Biden and Chuck Hagel, say the secret evidence they've seen is no more persuasive than a Rumsfeld press conference. And the cascade of leaks from "senior spooks" countering the White House line shows how strongly CIA officials feel their intelligence is being mischaracterized. The Bush administration's unconvincing arguments about an Iraq–Al Qaeda tie only convince skeptics that this White House will offer any rationale for war.

And that's particularly stupid because there is a good rationale for war with Iraq that doesn't strain credibility. It's the prospect that Saddam will get nuclear weapons, thus menacing his neighbors and deterring us. Let's hope the White House gets back to it. Because right now the administration's arguments are only making people like McDermott sound reasonable. ■

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NOTEBOOK

THE DADDY CANDIDATES: As this week's cover story notes, it may be getting easier for female candidates to run successful campaigns based on something other than their home-and-hearth credentials ("Gender Bender," by Jonathan Cohn, page 16). Republican men, however—especially those facing female opponents this fall—seem to be racing in the other direction. First Bob Ehrlich, who's battling Kathleen Kennedy Townsend for governor of Maryland, subjected voters to a ridiculous "education" ad last month that, instead of providing any details about the candidate's policy positions, featured home-video-style footage of Ehrlich and his wife talking about how proud Bob is to have mastered the art of diapering their son, Drew. Now, Mitt Romney—in challenging Massachusetts Treasurer Shannon O'Brien for the state's governorship—has moved beyond the "Family Slide Show" featured on his campaign website and has somehow convinced his poor wife to co-star in a treacly TV ad where the two discuss their courtship ("I fell in love with her the second I saw her," Romney moos) and the raising of their five sons. "We've tried to civilize the boys. Unfortunately, it's been very difficult with Mitt," Ann Romney explains over footage of her husband pushing the boys into a lake. Coming soon: Arizona gubernatorial candidate Matt Salmon on how he makes sure his kids' slumber parties don't get out of hand.

TORCHED: Of all the laughable claims made by soon-to-be-former-Senator Bob Torricelli in his farewell address this week, none was so ridiculous as his self-portrayal as a devoted public servant beset by private failings. While allowing that he had "made mistakes," he nonetheless declared, "I changed people's lives. I'm proud every day of it. And I wouldn't change a bit of it." Frankly, we wish he could. The truth of the matter is that quite apart from his sleazy dealings with David Chang, Torricelli's conduct in office was frequently appalling. As a senator he did legislative favors for companies in which he owned stock. His tenure as head of the Democratic Senatorial Campaign Committee (DSCC) was marked by unabashed shilling for business interests from whom he raised tens of thousands of dollars. Two years ago, for instance, a DSCC ad blasted then-Senator John Ashcroft for supporting a legislative provision to extend the patent on the drug Claritin, manufactured by Schering-Plough. The attack was entirely accurate. But the media soon noted that the provision's chief sponsor was Torricelli, who had introduced it one day after Schering-Plough forked over $50,000 to the DSCC. Throughout his Monday speech, Torricelli repeatedly professed his all-encompassing loyalty to the Democratic Party. "I believe in the Democratic Party," he asserted. "I could not stand the pain if any failing on my part were to damage the things and the people that I have fought for all my life." The Torch failed to mention that he was the first national Democrat to urge Al Gore to abandon the Florida recount. He has also repeatedly championed upper-bracket tax cuts that are anathema to his party's principles—most recently Bush's 2001 tax cut, which has crippled the budget and undercut Democrat priorities on health care and elsewhere—despite the fact that he represents a safely Democratic state. Torricelli concluded his self-serving sermon by lamenting, "I remember in our culture that a person would spend a lifetime building credibility, so it would stand ... if they were ever challenged." This week he learned that the reverse is also true.

RHYME AND UNREASON: Thankfully, Torricelli is not the only Garden State officeholder whose tenure may soon be cut short. This week Governor James E. McGreevey called for the resignation of New Jersey poet laureate Amiri Baraka following an uproar over a poem he read at a poetry festival in Waterloo Village on September 19. The poem, "Somebody Blew Up America," included the lines "Who knew the World Trade Center was gonna get bombed/Who told four thousand Israeli workers at the Twin Towers/To stay home that day/Why did Sharon stay away?"—prompting some Jewish groups to charge Baraka with anti-Semitism. (The poem also asked, "Who know why Five Israelis was filming the explosion/And cracking they sides at the notion," as well as "Who know who decide/Jesus get crucified.") But lost in the furor over the poem's alleged anti-Semitism was its sheer idiocy. Baraka's point, insofar as he can be said to have one, is that the people who "blew up" America were not the September 11 hijackers but rather "the Klan or the Skin heads/Or them that blows up nigger/Churches, or reincarnates us on Death Row ... Trent Lott/Or David Duke or Giuliani ... [the people] who got fat from plantations/Who genocided Indians/Tried to waste the Black nation"—you get the idea. Baraka's failure to distinguish meaningfully between, say, Klansmen and Republican officeholders is grotesque enough. But in fact his free-form rant soon encompasses pretty much anyone who's white or Western European or wealthy or who has ever disagreed with Baraka or any of a long litany of heroes he describes as having been "killed." (The quotation marks are necessary because in addition to obvious candidates for this category—Malcolm X, Martin Luther King, Che Guevara, "Kennedy & his Brother," etc.—Baraka also throws in a few—Princess Di, Pablo Neruda—who were not, to the best of anyone's knowledge, "killed." But hey, it's poetry.) The only saving grace of Baraka's diatribe may be that it winds up slandering so many groups so broadly and confusedly ("Who got rich from the Armenian genocide ... Who pay the CIA ... Who know why the terrorists/Learned to fly in Florida, San Diego ... Who put the Jews in ovens/and who helped them do it ... Who cut off peoples [sic] hands in the Congo/Who invented AIDS ... Who know what kind of Skeeza is a Condoleezza ... Who set the Reichstag Fire") that it's impossible even to tell who, exactly, Baraka is talking about. In the end, our own response to his vile little screed is: Who cares?

PATRIOT ACT?: Iraqi foreign minister Naji Sabri is known to American audiences (if he's known at all) as

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just the latest front man designated to defend Saddam Hussein's indefensible regime to the world. But in the Iraqi expatriate community, Sabri has a different reputation altogether: as an Iraqi patriot who detests Saddam almost as much as the United States does. "Naji can't stand Saddam," says a source in Amman close to Sabri. "He tries to spend as little time with him as possible." There was even some speculation two weeks ago that Sabri might defect while he was in New York delivering a tirade to the General Assembly rostrum on Saddam's behalf. Why does Sabri's apparent dissent matter in what is, after all, a one-man Iraqi government? Because that one man may soon be gone, and many of those who currently do his bidding will likely have roles to play in a post-Saddam Iraq. Iraq's bureaucracy is one of its most enduring institutions, and observers estimate that a large majority of the current Iraqi government will likely serve in the next Iraqi government. The opposition Iraqi National Congress, for one, has promised amnesty to all Iraqi officials except Saddam and twelve other named individuals. Is Sabri really an anti-Saddam patriot? Or just another long-term apparatchik like Deputy Prime Minister Tariq Aziz, who played a similar role as Saddam's public face during the Gulf war? With luck we may soon find out.

THE LIDDY DOLE STRATEGY: Paul Hanson is the Florence Corliss Lamont Professor of Divinity at the Harvard Divinity School. He is also a supporter of the drive to make Harvard and MIT divest their money from Israeli companies, a noxious campaign that has sprouted up at numerous campuses over the last year. Israel is the only country in the world so targeted by these academics, which raises questions not only about their moral consistency but their true motives. One would think people like Hanson would be eager to engage in such questions. And last week Alan Dershowitz, professor of law at Harvard, gave him the chance, challenging Hanson to debate the issue. But Hanson quickly rejected the proposal, saying that he had "other priorities." What greater priorities an academic has than defending his views in front of the students he seeks to educate Hanson didn't say. Perhaps he was simply afraid—Dershowitz is, after all, a brilliant controversialist, and Hanson is not a brilliant anything. The man who publicly advocates the Israel divestment campaign, it seems, has about as much intellectual and moral authority as the movement he helps to propel.

DEPARTMENT OF CORRECTIONS: In the October 7 issue, we inadvertently committed regime change in Iran: The supreme religious leader is Ayatollah Ali Khamenei, not Khomeini ("Persian Gulf," by Eli J. Lake). Also, Ismail Khan's Herat fiefdom is located in Western Afghanistan, not the East. We regret the errors. ■

INSIDE THE BOX | Bruce Reed

NOTHING PERSONAL United States, Britain draft U.N. resolution that gives Saddam 30 days to clear out. Bush to Democrats: Same goes for you!

SAFER ALREADY

Tom Ridge lowers terrorist threat level. New definition of code yellow: Only two agents per week say government could have prevented the last attack.

BUSH ECONOMY Poverty up, household income down for first time in a decade. Bush finally finds way to cut middle class's taxes: Cut their incomes.

TORCH SONG

GOP fights Dem effort to replace Torricelli on N.J. ballot. Oh, great—now the Supreme Court gets to pick the Senate, too.

NUTTY PROFESSOR

Retiring Rep. Armey says Jews are superficial and shallow and Democrats not very bright. Don't go, Dick—we have so much in common!

FETAL POSITION Ranks of uninsured rise to 41 million, but Bush administration announces federal health coverage for unborn fetuses instead. Now pandering begins at conception.

RIGHT-WING CONSPIRACY

Pat Buchanan starts new magazine to fill knee-jerk isolationist void. Working title: *Better Homes and Pitchforks.*

STOCKS AND BONDS Tyco executives pay $15 million to get out on bail. So that's what they mean by golden handcuffs.

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White House Watch

Double Speak

By Ryan Lizza

On Tuesday night, speaking at a Manhattan Institute lecture, Condoleezza Rice dubbed the post-September 11 world the era of "great power cooperation." Since the attacks, Rice argued, the United States, Europe, Russia, China, and India all find themselves on the same side of a "divide between the forces of chaos and order" and have therefore begun an unprecedented period of cooperation.

Across town at the United Nations, however, Rice's vision of "great power cooperation" was not exactly on display. The last week has been disastrous for the Bush effort to secure a U.N. imprimatur for its Iraq policy. For the second week in a row the United States delayed the formal release of its new resolution on Iraq because three great powers on the Security Council—France, Russia, and China—remained opposed. Meanwhile, in Vienna, Iraq accelerated the process by which the old, weak weapons inspectors would return. And, less noticed, Iraqi diplomats in the Middle East continued to tour the region, chipping away at Arab support for the U.S. plan. In Ankara, for instance, Saddam's henchman Tariq Aziz pressed the Turks to oppose U.S. war plans.

The dynamic in Washington was similar to the one in New York. On Monday the former chairman of the Senate Foreign Relations committee, Republican Richard Lugar, and the current chairman, Democrat Joe Biden, released a use-of-force resolution far narrower than the one Bush had requested. Why such an uneasy response to White House plans? Because the White House is sending out conflicting signals about just what those plans are. On Tuesday, for instance, Bush made the case for Saddam Hussein's disarmament a few hours before his spokesman made the case for Saddam's assassination. It is precisely that sort of doublespeak that leads France and Russia in the Security Council and multilateralists in the Senate to distrust his intentions. They are not opposed to getting rid of Saddam's weapons of mass destruction (WMD)—even if that means regime change—but they are opposed to Bush's preemption policy and his interest in regime change as a goal in and of itself.

The congressional resolution supported by Bush cites as reasons to attack Iraq, among other things, Saddam's attempted assassination of Bush's father, Iraq's repression of its civilians, and Saddam's failure to return property wrongfully seized from Kuwait. Biden and Lugar pared down their resolution so Iraq's WMD's would be the only reason for war. And when Colin Powell appeared before Biden's committee last week he seemed to endorse this approach. Semi-mockingly, John Kerry asked, "Are you telling me we're going to go to war because they haven't returned all the stolen property?" In reply, Powell conceded the Democrat's point: "Iraq has to be disarmed. That is the major problem." Biden and Lugar noted Powell's support in a press release Monday, saying their "thinking was sharpened" by his testimony.

Biden, who knows his resolution won't pass, is also registering his objections to Bush's attempt to enshrine preemption as formal U.S. policy. That's why he and his allies don't want any mention of regime change. "If the resolution goes for regime change, it is in violation of international law, and it would endorse preemption," says one Biden aide. Again, Powell seemed to back them up. At the same hearing last Thursday he came as close as any Bush official has to saying that disarmament would obviate the need for regime change: "If Iraq was disarmed as a result of an inspection regime that gave us and the Security Council confidence that it had been disarmed, I think it unlikely that we would find a casus belli." The hawks gnashed their teeth.

At the U.N. this week, the objections were the same as those in the Senate. The United States is telling the Security Council it wants disarmament, but France, Russia, and China can't get past America's talk of preemption and regime change. In an article in *Le Monde* on Monday, French Foreign Minister Dominique de Villepin wrote, "France is not indulgent toward Iraq, but any action aiming for regime change would contradict the rules of international law."

To reassure the French, Bush has been curtailing public talk of toppling Saddam—"I'm willing to give peace a chance," he said for the first time on September 27—and stressing disarmament instead. At the U.N., U.S. diplomats are trying to triangulate off the administration's hawks. "They refer you to Powell's statement the other day saying President Bush has made no decision on military action and is willing to let diplomacy work," says one Security Council diplomat. "They acknowledge that there are hawks who don't like that, but they say that's in Washington, this is New York."

The other strategy is again to use the British, who don't advocate regime change. British diplomats stress that the one-resolution approach, which automatically triggers the use of force after any Iraqi violation, is the only way to avert war. They argue that Saddam may disarm if presented with the stark alternative of his regime's destruction. "The point of this resolution is not to bang the drums for war," says a British diplomat. "The 'all means necessary' language is not there because we want to use it, it's there because otherwise Saddam Hussein won't listen to the other part of the resolution."

But France, Russia, and China don't believe that Bush wants anything more than a predicate for war. So France remains adamant about its two-resolution approach, one that would toughen the inspections regime and the second to authorize force if Iraq fails to comply. "This initiative is the only way to ensure control at each step of the crisis," wrote de Villepin. That kind of control is exactly what some Bush officials wanted to avoid. "The bigger the role for the Security Council, the worse it is," says a senior administration official. "Once you get down in the weeds you never get out." Arguably, the Bush administration is in the weeds already. ■

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Jerusalem Dispatch

United State

By Yossi Klein Halevi

About 18 months ago, when Israeli soldiers entered the village of Beit Hanoun, several hundred meters over the Gaza border, the Bush administration forced them to withdraw in disgrace within 24 hours. But last week, in pulling back several hundred meters from Yasir Arafat's devastated Ramallah compound after ten days of siege, Ariel Sharon won praise not only from George W. Bush but from Vladimir Putin and even the U.N.'s Middle East envoy Terje Roed-Larsen. The distance between Beit Hanoun and Ramallah is a measure of how far Israel has come—and how far it's willing to go—in its war against terror.

Few here are denying that the siege was a fiasco. Arafat was able to once again play the role of survivor, while Israel abandoned its "non-negotiable" demand for the surrender of terrorists hiding in his headquarters. The decision to besiege Arafat and ignore America's diplomatic needs resulted from a rare relapse into recklessness by Sharon and a less rare display of cowardice by Labor Party ministers afraid to challenge the prime minister even when they suspect he's wrong. But it also resulted from a more positive impulse: a growing determination by the army to win the war against terrorism.

During the first intifada, in the late '80s, then-Chief of Staff Dan Shomron established what became the IDF's military doctrine: A politically divided Israel cannot win against a popular Palestinian uprising. That conclusion was partly responsible for the decision by the army's general staff to endorse the Oslo peace process and even participate in quasi-political negotiations with the Palestinians.

Now, though, a relatively united Israel is confronting not a popular Palestinian uprising but a terrorist war. And the army is challenging Israelis to back its new agenda: victory. The army doesn't define "victory" in purely military terms. While there have been unmistakable successes—the rate of terrorist attacks has substantially dropped since the first reoccupation of the territories six months ago, and the army now claims there are more explosives belts available than suicide bombers—none of the senior commanders believe it's possible to end all attacks by military means. Even Sharon acknowledged, in an interview last week with the *Jerusalem Post*, that there can be no ultimate military victory against the Palestinians, only a political solution. Instead, the army has come to see victory in terms of shaping that political solution—convincing the Palestinians, through military pressure, that Israeli society can't be defeated or coerced and that terror will produce no tangible gains. "There is no knockout blow, but there is an accumulation of small military victories that can create the conditions for a political victory," says Dan Schueftan, a Middle East expert close to the military establishment. "The end goal is Palestinian acknowledgment that they've endured all this suffering for absolutely nothing. The interim goal is to make the terrorists realize that there is nowhere to hide."

The IDF's new chief of staff, Moshe "Boogie" Ya'alon, who assumed command three months ago, defines the process as a battle for the restoration of Israeli deterrence, which has been gradually eroded over the last two decades by a series of Israeli military stalemates and defeats. Ya'alon has declared war on the "spider web" theory—the notion, propounded by Hezbollah's secretary-general Sheikh Hassan Nassrallah, that Israel, like a spider web, appears sturdy but is in fact fragile because its people have lost the will to fight. Ya'alon warns that failure to defeat that perception, encouraged by Israel's flight from southern Lebanon two years ago, will expose the Jewish state to ongoing terrorist blackmail and endless Palestinian demands and make peace impossible.

Restoring deterrence, he argues, depends on strengthening Israeli resolve against the temptation of easy solutions, such as unilateral withdrawal from the territories. And so rather than leave public opinion to the politicians, Ya'alon has thrust himself into a political debate that until now had been off-limits to generals. In a series of media appearances, he has warned that uprooting settlements under fire—a position supported by part of the Labor Party and the parties to its left—would prolong the terrorist war by convincing Palestinians that the Israelis are on the run. Ya'alon, a kibbutznik who grew up in the Labor Zionist movement, has also attacked the left's impatience for peace as a defeatist threat to Israeli security. "'Nowism' is the mother of all sins," he recently told the liberal newspaper *Ha'aretz*. "And it makes no difference whether to the word 'now' is added 'messiah' [as in the Lubavitcher Hasidic slogan, 'Messiah now'] or something else"—as in the left-wing organization Peace Now.

Not surprisingly, Ya'alon has been denounced by leftist politicians and op-ed writers for politicizing the IDF—one of the most serious accusations that can be leveled against the chief of staff of a people's army. But Ya'alon's critics fail to understand the army's new thinking: The staying power of Israeli society is no longer just a political issue but a strategic one as well—indeed, as Ya'alon insists, *the* strategic issue.

It's a sign of the new post-Oslo sobriety that most Israelis have accepted his critique: In ordinary times, there might have been calls for removing a chief of staff who dared attack a legitimate political movement like Peace Now. But today, not only have there been no demands for Ya'alon's removal; he has actually found support in the peace camp. "At first I felt I was alone in a corner," says *Ha'aretz* journalist Ari Shavit, whose powerful op-eds have demanded that Israeli liberals defend their society against a mortal threat rather than continuing to invoke a failed peace process. "But now this war is seen even by many on the left as existential. And it's no disgrace to say that an existential war has to be won." Indeed, lamented left-wing op-ed writer Rafi Mann in *Ma'ariv*, "I've discovered to my surprise that many of my

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friends on the left have been taken in by the charm of Chief of Staff Ya'alon and warmly embrace his dubious approach." Those new left-wing hawks insist that victory over terrorism is now a prerequisite for an eventual Israeli withdrawal. Meir Pa'il, who for decades defined the far-left fringe of the peace camp and is now associated with the left-wing Meretz Party, has gone so far as to urge a complete reoccupation of the territories—including Gaza—to be immediately followed by an Israeli offer of total withdrawal in exchange for an end to Palestinian terror and an end to Palestinian demands for a refugee return to pre-1967 Israel. "It's the only way I can think of to outmaneuver our enemies and motivate them to come to the table," he says.

So far, the first part of Ya'alon's strategy—firming up Israeli resolve—appears to be working. The new fortitude has been particularly evident since the Passover eve massacre last March, when the national mood abruptly shifted from despair to defiance. According to a Haifa University study, 63 percent of reservists two years ago said they would serve even if the draft were abolished; this March that number rose to 88 percent. At the beginning of 2002, Israelis were becoming a nation of shut-ins. But during last week's Succot holiday, many thousands ignored warnings of imminent terrorist attacks and went on a pilgrimage to the Western Wall, strolled through downtown Jerusalem, and crowded the wine, olive-picking, and music festivals around the country.

While Israelis' faith in every national institution from the Knesset to the police has declined, their faith in the army has risen. Israelis are hardly convinced the army is winning right now, but when asked last month by another Haifa University study whether they believe the army is *capable* of winning the war, 90 percent answered yes. No less telling is that 84 percent—compared with 78 percent two years ago—believe Israel can meet all its future challenges, both military and civil. While the increase is relatively small, it's astonishing given the escalation of violence over that period. "In unequivocal terms, the public today believes in Israel's ability to withstand problems more than it did at the beginning of the intifada," concludes Haifa University researcher Eran Zaidise.

When it comes to the second component of the army's strategy—convincing Palestinians that terrorism is backfiring—the evidence is mixed. On the one hand, leading Palestinians—such as possible Arafat successor Abu Mazen and former West Bank head of preventive security Jibril Rajoub—now publicly admit that resorting to terrorism, at least within pre-1967 Israel, has been a strategic mistake. Former Palestinian Cabinet Minister Nabil Amer went further, publishing an open letter last month to Arafat in a Palestinian newspaper that denounced him for rejecting the Camp David offer of statehood. That Palestinians are openly doubting the efficacy of suicide bombs and telling Arafat he should have taken what was offered to him at Camp David in July 2000 represents a potentially dramatic change. Still, polls show that a majority of Palestinians continue to support the suicide bombers and believe violence has helped the Palestinian cause.

Sharon's disastrous Ramallah siege has probably reinforced that perception—though, based on precedent, Arafat's renewed public support will quickly dissipate, and the image that will likely linger among Palestinians will not be of Arafat emerging triumphant from the ruins but of the ruins themselves. More worryingly, Israel's failure to foresee the negative American reaction that the siege produced could embolden the Israeli left to oppose the army's activism and threaten the unity government by encouraging a revolt within the Labor Party against further cooperation with Sharon.

But the siege was a failure of policy, not of Israeli resolve to beat the terrorist threat. Indeed, the day after the Israeli pullback, the army laid siege to a house in Ramallah and extracted a terrorist suspect who had fled there from Arafat's headquarters. The message: Despite a humiliating setback, the victory process—which six months ago didn't even exist—is still on track. ■

Why no one blames the lawyers.

Private Practice

By Michelle Cottle

By late last summer Roy Olofson, then the vice president of finance for Global Crossing, was convinced something was rotten with the company's books. Hit hard by the deflating telecom bubble, Global Crossing, Olofson suspected, had begun using a range of accounting tricks to artificially inflate its revenue statements. So on August 6, 2001, he sent a five-page letter to the corporation's general counsel, James Gorton, outlining his concern that company shareholders and bankers, as well as the Securities and Exchange Commission (SEC), had been intentionally misled about the organization's financial health.

Faced with Olofson's accusations, Gorton asked Global Crossing's outside counsel, the New York law firm of Simpson Thacher & Bartlett, to launch an independent inquiry. After conducting a round of interviews and reviewing company documents, the firm reported its findings back to Gorton. On February 4, 2002, Global Crossing issued an official statement asserting that after "consultation with outside counsel," management was confident that the company's accounting methods had been appropriate and that it had made adequate disclosure both to the public and to the SEC. The "allegations made by Mr. Olofson were without merit."

Today, of course, it seems clear that the folks at Simpson Thacher missed a few details. Global Crossing is under

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Where We Stand

A commentary on public education and other critical issues

Kindergarten-Plus

By SANDRA FELDMAN, President
American Federation of Teachers

How can we explain the achievement gap between poor children and more advantaged children? School critics usually assume that the schools are to blame, and blaming schools is easier than admitting that poverty affects the education of children in this wealthiest of nations.

Now, there's no question that we need to continue to improve the underfunded, understaffed, and overcrowded schools that most poor children attend. But if Americans are serious about closing the achievement gap—and I believe they are—then our leaders must stop ignoring the evidence of poverty's corrosive impact on achievement.

Thanks to some good, new national and international studies, we now know that the achievement gap for poor children as a group is established before they even begin school. For example, when the National Center for Education Statistics (NCES) studied a nationally representative sample of children just entering kindergarten, it found that the poor children, on average, were significantly behind other children academically, socially, and in terms of their health. NCES also found that, while the poor children had substantially closed the gap by the end of their kindergarten year, a gap remained, and it often widened as the children went on in school. There are several reasons for this.

First, although most poor children make huge strides during kindergarten, other children are progressing, too. That's great, but unlike their more advantaged peers, poor children fall back academically during the summer because they usually don't have access to the academically enriching vacation experiences that middle-class children take for granted—museum visits, organized sports, camping, etc.

So, it is necessary to accelerate dramatically the pace of learning for poor children who are behind or they will never catch up, even though they learn as much and progress as rapidly as other kids during the school year. Disadvantaged children are just as smart as middle-class kids. But they need more time and opportunity for learning.

Two Important Summers

The best solution to this problem is obvious—universal access to high-quality preschool, with priority given to poor children. The AFT has been pushing hard for this, but our nation is so far behind on early childhood education that it's not easy to get where we need to go, especially in today's economy.

However, we can make a "down payment" on quality preschool by extending the kindergarten year for disadvantaged children.

We must stop ignoring poverty's impact on school achievement.

To do this, the federal government should help states and districts provide a "Kindergarten-Plus" program that would enable disadvantaged children to start during the summer before they would ordinarily enter kindergarten and then continue through the summer preceding first grade. Such a program would accelerate the progress of poor children and help them maintain it.

The infrastructure for Kindergarten-Plus is already in place. The schools exist; many or most of them already have kindergarten; and we have a pool of qualified public-school kindergarten teachers.

It's Affordable

Four extra months of kindergarten would cost about $2,000 a child. Approximately 580,000 poor children would qualify, for a total of $1.16 billion. Too much to pay for dramatically reducing the achievement gap? Not if we consider that in one year alone, WorldCom got $1.1 billion in tax breaks, with no benefits for our nation, while Kindergarten-Plus would reduce the need for remediation and special education, lower dropout rates, increase the supply of productive citizens, and ultimately save us billions.

And surely we can afford to make Kindergarten-Plus possible for at least 145,000 children, the poorest of poor children, at a cost of $290 million a year. Or are they less deserving than Enron, which in 2000 received $494 million in tax breaks despite earning $618 million in profits?

Schools alone, even with an expanded kindergarten year, cannot fully inoculate children against the effects of poverty. Schools cannot ensure the health of children, create decent jobs for their parents, or provide a living wage to the working poor. But education remains our best hope for lifting children out of poverty.

We must continue to improve the schools poor children attend. But leaving no child behind has to mean dealing with poverty's impact on a child's education and making that effort as important a part of the national strategy for closing the achievement gap as school reform is. A good first step would be getting behind Kindergarten-Plus. ▮

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investigation by both the SEC and the U.S. Attorney's office in Los Angeles for possible accounting and disclosure improprieties. The New York attorney general is scrutinizing the company's relationships with East Coast banks, securities firms, and analysts, while the Labor Department examines its employee stock policies. Some four dozen class-action suits alleging violations of securities law have been filed, along with 15 suits regarding the company's handling of employees' retirement plans. This week both Gorton, who left the firm early this year, and Chairman Gary Winnick appeared before a House Energy and Commerce subcommittee to discuss—among other things—the contents of Olofson's letter. Meanwhile, having filed for the fourth-largest bankruptcy in history this January, Global Crossing is scrambling to get a federal judge to approve a reorganization plan that will allow the company to survive.

What about all that "consultation with outside counsel"? Apparently, Simpson Thacher's review followed the see-no-evil model that Vinson & Elkins made famous in its review of Enron (for which, among many other alleged misdeeds, the Houston-based law firm is now being sued). The Simpson Thacher team not only failed to contact Global Crossing's board of directors and its outside auditor, the now-defunct Arthur Andersen, it didn't even interview Olofson. Rather, attorneys relied largely on information provided by a handful of company executives, many of whom may have been involved in—or knowingly benefited from—the schemes in question. (Gary Winnick, for instance, is accused of cashing in on the company's inflated stock, pocketing hundreds of millions of dollars before the collapse.)

But as subpoenas are issued, briefs filed, and Global Crossing self-destructs in spectacular Enron style, it's business as usual at Simpson Thacher. The firm faces no threat of legal action from the government or the public, and Congress has no plans to compel the firm's lawyers to explain their "external review." This, despite the fact that, as the *Los Angeles Times* noted in late February, the cozy relationship between Global Crossing and Simpson Thacher may well have inclined the law firm to conduct a less-than-strenuous inquiry. In addition to the millions in legal fees that Global Crossing paid Simpson Thacher each year, a number of Simpson Thacher attorneys owned stock in the telecom company. Both Gorton and the general counsel for Asia Global Crossing were Simpson Thacher alums, and Gorton's successor, acting general counsel Rhett Brandon, remains a full-time partner at Simpson Thacher—which is now busy representing Global Crossing in bankruptcy proceedings.

For its part, Simpson Thacher maintains that the firm had no legal obligation to conduct a more thorough inquiry into Olofson's accusations. Since no charges had been leveled directly at Gorton or Winnick, the review team had no reason to contact company board members, asserted the chairman of Simpson Thacher's executive committee, Richard Beattie, to the *Los Angeles Times* in February. Insisted Beattie, "I don't believe we did anything wrong."

But Simpson Thacher shouldn't get off that easily—nor should the legal profession as a whole. When accused of professional misconduct, lawyers often argue that their code of ethics—with its emphasis on protecting the client—actually requires them to dispense cutting-edge (read: questionable) legal advice and to overlook a client's suspicious behavior in the name of attorney-client privilege. Many legal ethicists, however, say such arguments intentionally misinterpret certain aspects of the rules governing lawyers. And in other instances the rules themselves need to be changed.

As the cry for greater corporate accountability has grown, lawyers and pundits alike have proclaimed that the legal profession should not suffer the same public pillorying and regulatory crackdown as the accounting profession. Why? Because lawyers have a duty to protect only the client. "DON'T BLAME THE LAWYERS FOR ENRON: UNLIKE ACCOUNTANTS, LAWYERS' PRIMARY OBLIGATION IS TO THEIR CLIENTS—EVEN IF THAT ENTAILS HIDING INFORMATION," chided the headline of a February 21 *Financial Times* piece by Patti Waldmeir. Short of not *knowingly* breaking the law or *knowingly* enabling a client to do so, an attorney should have no restrictions placed on his or her counsel. Indeed, showing clients how to walk the fuzzy line between legal and illegal is a lawyer's obligation. "If the law has loopholes," noted Waldmeir, "he must point them out for his clients to exploit."

Even when a lawyer suspects his client of criminal behavior, many states have laws that discourage—and in some cases prohibit—him from telling anyone. Members of the bar have periodically tried to increase lawyers' public accountability by loosening these attorney-client privilege rules. But a vocal opposition has successfully countered with ominous scenarios about what would result: Clients will no longer be honest with their attorneys, attorneys will be afraid to launch zealous defenses of their clients, and our entire legal system will come tumbling down. "Think how frightening it would be if your lawyer were also, in effect, the police officer, judge, and jury of the actions about which he or she is advising you," argued a recent piece by Julie Hilden in *Slate.com*. By compelling lawyers to judge a client's actions, we would "create a lawyer torn between the impulse to punish his client and to advocate for him," Hilden warns. "If your lawyer draws back from the edge because of her fear of the consequences, it may be you who is someday left hanging."

Reform-minded lawyers, however, point to a number of flaws in these apocalyptic claims. For starters, says Jonathan Macey, a professor at Cornell University Law School, one of the most pervasive problems in corporate law is that lawyers forget who "the client" is. "The lawyer's true ethical responsibility is to the corporation, not the individual officer who hires him," says Macey. Too often, however, "a lawyer says, 'Gosh, the CFO hired me, so I better be nice to him so he'll give me more business.' But this loses sight of the fact that the people paying lawyers' fees are not the CFOs, they're the shareholders." This is precisely the sort of thinking that

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helped fuel the savings-and-loan crisis, says University of Illinois law professor Richard Painter. Painter served on the ethics committee of the New York bar back in the early '90s when federal banking regulators were fighting to hold lawyers accountable for their part in the meltdown. "One issue was lawyers' failure to inform the full board when client firms were obviously in violation of federal law," he recalls. After much wrangling, the Office of Thrift Supervision settled lawsuits for tens of millions against some of the largest law firms in the country. That would have been a perfect moment for the bar to rethink its ethics rules, says Painter. "Instead, they circled the wagons and defended the lawyers involved, arguing that they didn't do anything wrong."

The new wave of corporate scandals has again spotlighted the need for change. In March, Painter drafted a letter to SEC Commissioner Harvey Pitt—signed by 40 reform-minded law professors—recommending that the commission enforce tougher ethics standards for lawyers. Three weeks later Painter received a polite rebuff from SEC general counsel David Becker, suggesting that the professor take the matter up with Congress. So Painter did just that, sending his recommendations to Senator John Edwards, who used them as the basis for an amendment to the Sarbanes-Oxley corporate-accountability act, which President Bush signed on July 30. The amendment directs the SEC to establish rules of conduct for all lawyers doing business with the commission. These rules must, among other things, require lawyers to report "evidence of material violation of securities law or breach of fiduciary duty" to a client company's general counsel or CEO. If the CEO or counsel fails to respond adequately, the lawyer must proceed up the chain of command to the audit committee or even the full board of directors.

Reformers say Sarbanes-Oxley should be uncontroversial since it allows lawyers to keep even the dirtiest of client secrets in the family. "It's really rather tame," says Stephen Gillers, vice dean and professor of legal ethics at New York University. "It does not mandate reporting outside, and so in no way compromises confidentiality or privilege." Nonetheless, the American Bar Association (ABA), which has repeatedly beaten back efforts at external oversight, lobbied hard against the amendment. "They literally refer to this as a sort of Pearl Harbor attack," says John Coffee, a law professor at Columbia University. The group is now pushing for Harvey Pitt to pen the weakest-possible rules, which Congress has required be set by the end of January—a credible threat given the association's history of strong-arming the SEC.

There's also the question of who will enforce the rules—and how. The ABA wants the SEC to continue its long-standing policy of deferring discipline to state courts, which have ultimate responsibility for lawyers in their jurisdiction but which often lack the muscle or will to battle the bigger firms. ABA President Alfred P. Carlton says he doesn't mind if the commission sets a few standards, so long as it doesn't try to enforce them. "The regulation of the legal profession is a matter of state law and the state supreme courts," the North Carolina native drawls. "For two hundred years that has been how it has been regulated—not by a federal regulatory scheme."

Even under the strictest rules, however, Sarbanes-Oxley may not be enough. An even hotter topic under debate is a lawyer's right (and responsibility) to report a client's misdeeds to outside parties such as the SEC. Currently, the ABA's Model Rules, which are nonbinding but often used by state courts in setting ethics rules, allow lawyers to breach confidentiality only when failure to do so is likely to result in imminent death or substantial bodily harm. Not long ago the ABA's Ethics 2000 committee recommended expanding this exemption to include preventing a client from "using the lawyer's services to commit a crime or fraud." The change was rejected—again on the premise that it would damage the client-attorney bond.

This argument is both simplistic and disingenuous, says Susan P. Kosniak, a law professor at Boston University and an expert in the rules governing lawyers. The premium lawyers place on "really standing by your client—no matter what—is the model for an advocate in the courtroom," she says. "The advocacy system depends on two advocates fighting it out in front of a neutral umpire, usually a jury." But that has nothing to do with the "transaction lawyering" involved in cases like Enron. "In transaction lawyering, there is no neutral umpire—no other side to present, to make discovery. . . . All people get is the judgment that the lawyer has allowed to pass," Kosniak notes with increasing agitation. So when you transplant the zealousness ethic from the advocacy model to the non-adversarial transaction model, "what you get is the legal blessing of stuff that is *so* over the line." And, as recent scandals have shown, such practice often does a disservice even to the client. In transaction lawyering, explains Kosniak, counsel is often expected to gauge how close to the legal edge a client can walk without falling off. And it hardly benefits the client for a lawyer's attitude to be, "I've found fifty-thousand ways to walk on the precipice and not give a shit if you fall off because *I'm* not going to be liable."

Stunned by the passage of Sarbanes-Oxley and desperate to head off further government meddling, the ABA has pledged to revisit the confidentiality issue at its February meeting. But many reformers believe that to really get the legal profession's attention you need to hit lawyers where it hurts: the bottom line. To this end, they propose restoring the public's right to sue law firms for "aiding and abetting" financial crimes. Currently, thanks to the Private Securities Litigation Reform Act of 1995, private citizens can only sue lawyers if they are shown to be "primary violators" in an Enron- or Global Crossing–type implosion. The difference between a primary violator and someone who aids and abets a financial crime, explains Kosniak, is like the difference between a lawyer who personally signs fraudulent documents and one who merely counsels a client to do so. "A primary violator is basically at the center of things instead of just telling other people what to write."

Opponents claim that restoring this right would open up

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lawyers to frivolous suits and financially cripple law firms. But, as Kosniak points out, from the mid-'60s to the mid-'90s lawyers could be sued for aiding and abetting fraud, and the industry did not go under. It was only after firms lost millions in savings-and-loan-related suits that the ABA lobbied for—and received—protections. In 1994 the Supreme Court ruled that existing statutes did not provide for such suits, leaving Congress to decide the matter in its comprehensive reform act of 1995. "The documents are devastating as to what the lawyers did. But their response was not to clean up their act," Kosniak adds. "Their response was to get the Private Securities Litigation Reform passed," effectively shielding themselves from the fallout from future scandals.

Some observers believe that by refusing to seriously address ethics reform until this latest series of scandals forced Congress to get involved, the legal profession has outsmarted itself. For years lawyers, like accountants, have done as they please, assuming they would always remain totally self-regulating, says Coffee. "Both professions have behaved much like French aristocrats one year before the revolution. ... And now it's gonna cost both of them." That is, unless the public can be distracted long enough for the bar to convince regulators and lawmakers—yet again—that it's in everyone's best interest to let lawyers be the keepers of their own conscience. In which case, when the next financial meltdown occurs, expect to hear the same old refrain: "We don't believe we did anything wrong." ■

Jennifer Granholm and the new woman candidate.

Gender Bender

By JONATHAN COHN

FLINT, MICHIGAN

IT'S NEARLY 5 o'clock on a Friday afternoon, and inside a cavernous auditorium at Mott Community College the air is thick with testosterone. Stout men in work boots and jeans file in, many of them fresh off the assembly line at the nearby General Motors truck plant, swelling the crowd to around 300 people. This is the heart of automobile country: Baseball hats advertise the GM product line, while T-shirts promote two loyalties—nation ("LET FREEDOM RING") and union ("FRIENDS DON'T LET FRIENDS CROSS PICKET LINES"). Off to one side, a group of middle-aged women hovers over a set of Crock-Pots; toward the back, a group of retirees pins campaign buttons on one another's shirts.

This is not an unusual sight in Michigan politics. When the United Auto Workers (UAW) put out a call for bodies, the bodies show up—particularly when the occasion is a rally for the Democratic gubernatorial nominee. But today's guest isn't your typical UAW candidate. Jennifer Granholm, Michigan's 43-year-old attorney general, wasn't the UAW's first choice for governor. In the Democratic primary, the union endorsed its longtime favorite, outgoing House Minority Whip David Bonior. And, in general, male blue-collar voters have not been strong supporters of women seeking public office, particularly executive positions. In one recent survey conducted by Celinda Lake, just 42 percent of non-college-educated men said they were comfortable with a woman serving as governor. A major reason, Lake says, is that "they tend to have the most questions about whether women are tough enough or competent enough to handle executive leadership."

But you'd never know it talking to the UAW members awaiting Granholm's arrival. "She's a smart lady," says Tommy Butler, a 57-year-old retired machine operator, "and she's tough." Ralph Lupu, 46, explains that his big issue is Medicare: "She's going to fight for changes to hold down prescription costs. She's a decisive person." Tony Robinson, a 27-year-old UAW safety representative, says he's followed Granholm's career for years. "When she was attorney general," he says with an approving nod, "she never backed down from a fight."

When Granholm finally takes the podium, the room's lousy acoustics make it difficult to hear her clearly. But Granholm, a former federal prosecutor, has no problems connecting with her audience. Stepping out from behind the podium and pacing the stage in her dark business suit, she engages members of the crowd as if they were on a jury, eyeing them one at a time. The speech itself is mostly boilerplate—"You stand up for me, and I will stand up for you"—but she delivers the lines crisply and confidently, occasionally pumping her fists in the air for emphasis. When Granholm finishes her speech, the audience cheers loudly; when she steps down from the podium, about 40 people mob her for autographs and pictures. "Rank and file love Jennifer," declares local UAW retiree chair Ron Perkins, emerging from the scrum. Peter Plummer, another retiree, is right behind him, wearing a huge grin. "I got an autograph," he says. "And a hug."

Reactions like these are one reason polls show Granholm with a twelve-point lead over the Republican nominee, Lieutenant Governor Dick Posthumus ("Dead Man Running," the saying goes). It's a big margin but not all that surprising given her extraordinary performance in the primaries. Though Granholm had never even run for public office until

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four years ago, in August she clobbered two of Michigan's best-known Democrats: Bonior and former Governor James Blanchard. The election was supposed to be close, but Granholm won with 48 percent of the vote, 20 points more than the runner-up. That impressed a lot of people—and not just in Michigan. *The New York Times* called her "Jenni the giant-slayer." *The Baltimore Sun*'s Paul West dubbed her "the 'it' candidate of 2002.'" A lot can happen in the next five weeks, but given Granholm's strength in the Detroit suburbs—home to the swing voters who made Republican John Engler governor for three consecutive terms—the Granholm campaign has acquired a certain air of inevitability. As Detroit *Metro Times* columnist Jack Lessenberry recently observed, "If Jennifer Granholm murders a Cub Scout with a machete sometime before Nov. 5, she won't be elected governor. Otherwise, this election is essentially over."

If so, on November 6, Granholm will instantly become a figure of national importance—not just because Michigan is such a critical state on the electoral map but because her combination of intelligence, charisma, and centrist politics make her an ideal spokesperson for Democratic politics in the early twenty-first century. Political observers routinely liken her instinctive campaign abilities to Bill Clinton's; one Michigan operative recently paid her an even higher compliment, calling her the "Michael Jordan" of state politics. Indeed, if you hear one lament about Granholm from her fellow Democrats, it's this: Because she was born in Canada, she can never become president.

But even if Granholm can't become president herself, her popularity suggests that a woman like her could—because the most remarkable thing about her campaign is not the fact that she's winning, but the *way* she's winning. Unlike most successful women candidates, Granholm isn't running as a conciliator or as a feminist or a "soccer mom." Granholm's essential pitch to Michigan voters is that she's a hard-nosed, decisive leader capable of steering the state through hard times. Her campaign, in other words, is exactly the kind she would be running if she were a man. And that's not the sort of campaign women have traditionally run. At least not until now.

IT WAS NOT that long ago that the very idea of women leaving the home to serve in public office was highly controversial. In 1958 Coya Knutson, the first woman elected to Congress from Minnesota, opened her local newspaper to see the headline "COYA COME HOME." Under it was a letter, purportedly written by her husband, that read, "I have informed my wife . . . I do not want her to file for reelection to Congress. . . . I want to have the happy home that we enjoyed for many years prior to her election." Though her husband later denied authorship, the letter galvanized opinion against Knutson, and she lost her reelection bid by 1,400 votes.

After the '50s, as feminism reconciled most Americans to the idea of women as workplace equals, these notions disappeared from polite political conversation. But the old stereotypes lingered, as many a female politician has since learned firsthand. In the 1970s, before Pat Schroeder could become a twelve-term representative and distinguished expert on military policy, she had to answer to critics who wondered about her ability to balance motherhood and a career. (Eventually Schroeder gave her critics a now-famous reply: "I have a brain and a uterus, and I use both.") Even after she'd been in office for years, the press often seemed more interested in Schroeder's attire than in her views on disarmament. "The clothes questions never stopped," she recalls. "If I wore a cape, it was 'Why didn't I wear a coat?' If I wore a coat, it was 'What happened to the cape?'" When Schroeder tearfully withdrew from the 1988 presidential race, critics pounced on it as just more proof that women were too emotional for high public office.

A lot has changed since then, of course. Just as women have climbed the hierarchies of business, science, and academia, so their numbers are increasing in American government. But while female candidates have made significant strides in state legislatures (where they make up 23 percent of officeholders) and the U.S. Congress (where they hold a less impressive but improving 14 percent of seats), they have lagged conspicuously when it comes to races for executive office. The first woman won election to Congress in 1916, but it wasn't until 1974 that a state elected a woman governor running in her own right—that is, somebody who wasn't running to fill a seat held by her deceased husband or father. And while five women serve as governor right now, they make up almost half of the women who have *ever* been elected to that post in their own right—twelve in total.

Why the added difficulty? The answer has to do with the nature of the office and the style of campaigns that female candidates have typically run. Frequently, women who have won political office have done so not by rejecting common perceptions of femininity so much as turning them to their advantage. Some—Jean Carnahan, the senator from Missouri, being only the latest example—have ascended to office via birthright or marriage, taking up seats once occupied by fathers or husbands. Others have promoted themselves as soccer moms who could bring to Washington a special sensitivity to the difficulties of domestic life. Even those who have carved out strong, aggressive stances often did so by promoting themselves primarily as feminists—e.g., Barbara Boxer, whose candidacy was largely about bringing a focus on "women's issues" to the Senate.

Perhaps no single campaign has better epitomized this modern approach to female campaigning than the one Patty Murray ran for a U.S. Senate seat in 1992. Calling herself "a mom in tennis shoes," she told Washington-state voters that her experience as a homemaker meant she understood the challenges of home life in ways few officials in the nation's capital could. "I tell people I am a mom caring for two kids and two aging parents with health problems," Murray explained to *Time* magazine back in 1992. Referring to the Clarence Thomas hearings, she said, "When I saw what the Senate looked like, I was astounded. I didn't see anyone there like me. I turned to my family and said, 'I know where I can make a difference.'" When Murray won, a headline in

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the *Seattle Post-Intelligencer* captured the prevailing sentiment: "A WIN FOR WOMEN'S ISSUES: FEMALE LAWMAKERS BRING OWN AGENDAS."

But the Murray strategy can be as limiting in some situations as it is energizing in others. Specifically, it fails miserably when running for governor or president, because the qualities that voters typically covet in a chief executive—decisiveness, a commanding presence, even an ability to intimidate—are not ones they associate with traditional femininity. "The position of being a legislator works in some ways with the public's view of what a woman is good at," says Deborah Walsh, head of the Center for American Women and Politics at Rutgers University. "But chief executive is ... getting people to a new idea of what woman are—as the final decision-maker, as the person where the buck stops." Indeed, when the Barbara Lee Foundation commissioned a study of voter attitudes toward women last year, its report, *Keys to the Governor's Office*, concluded, "Lack of toughness is the most difficult stereotype for women candidates to overcome, and one of the most difficult to define."

Evelyn Gandy, the former lieutenant governor of Mississippi, discovered this the hard way. As Eleanor Clift and Tom Brazaitis recount in their book *Madame President*, when Gandy ran for governor in 1979 her male opponent ran an ad arguing, "One of the most important responsibilities of the governor is commander of the state national guard." Just in case the point wasn't clear enough, the ad showed the candidate riding in a tank, firing off a few rounds. Gandy lost. A few years later Geraldine Ferraro, the Democratic nominee for vice president, encountered the same bias when she appeared on NBC's "Meet the Press" in 1984. Knowing foreign affairs would be a major topic of discussion, she prepared for a debate about the nuances of containment and deterrence. What she got instead was a blunt inquiry questioning her mettle: "Are you strong enough to push the button?" In theory, somebody like Ferraro should have had no problem answering that question. Before getting elected to Congress, after all, Ferraro had been a hard-nosed prosecutor in Queens. But while Ferraro needed to convince Americans that she was tough enough to be commander in chief, she also needed to be careful that she didn't seem *too* tough. As it was, many Americans already agreed with the assessment indiscreetly offered by Barbara Bush shortly before her husband's vice presidential debate with Ferraro: "I can't say it, but it rhymes with 'rich.'"

For female candidates, then, it's been a classic catch-22: A woman who promotes herself as a compassionate conciliator is seen as too "soft" to wield executive authority; but one who promotes herself as tough and independent runs headlong into the old stereotypes about how women are supposed to behave. One need only think of Hillary Clinton, who during her husband's 1992 campaign ricocheted back and forth between showing off her intellect and boasting of her cookie-baking skills. As Lake notes, "Nobody ever called a man shrill or bitchy."

But in 2002, something seems different. Ten women won their parties' gubernatorial primaries this year, with at least half positioned to win in November. And what is remarkable about their candidacies is not just how successful they've been but how little they resemble the feminized campaigns of yesteryear. A good example is Janet Napolitano, the Democratic nominee for governor in Arizona. Napolitano, like Granholm, is currently her state's attorney general, and her record in that office is the centerpiece of her campaign. Her website describes her as "a tough prosecutor who won't bend with the political winds." Below that, it highlights her successful prosecution of drug dealers, corporate polluters, and one organized-crime hit man—while adding, as a footnote, that she "is also a serious sports fan and is known to provide anyone who asks, her 'learned opinion' on subjects dealing with the Diamondbacks, the Suns, the Cardinals, the Lumberjacks, the Wildcats or the Sun Devils." Like any Democrat, her focus appeals to women more than men—but not because it's particularly heavy on women's issues. This is a campaign about health care, crime, and the economy, not abortion or affirmative action. As for questions about her gender, Napolitano recently told the *Los Angeles Times* that she never gets them—except when reporters from national newspapers call. Polls show her in a dead heat with her Republican opponent.

In Kansas, Kathleen Sebelius is running an even more unorthodox campaign. Sebelius made her name in Kansas politics as a highly successful, two-term insurance commissioner, so it's not surprising that she's making health care a major focus of her campaign. But she has also been pitching herself as the law-and-order candidate. One TV ad begins by reminding voters, "Our safety, our security—every day it's a governor's concern." Then it trumpets the "Sebelius crime plan": doubling mandatory sentences for sexual predators, coordinating with law enforcement to protect Kansas from terrorism, and cracking down on drug dealers. Kansas is an overwhelmingly Republican state, but apparently the state's voters are buying the pitch: Polls show Democrat Sebelius leading comfortably.

AND THEN THERE'S Granholm. Slim and about five feet seven inches, she has blue eyes, meticulously coiffed short blond hair, and chiseled facial features straight out of a Barbie doll catalog. It's no stretch to say Granholm has the look of a movie star—and, for all her polite demurring about physical appearance, Granholm clearly considered the notion herself at one point. After graduating from high school, she moved to Hollywood with the hope of launching an acting career. Alas, except for an appearance on television's "The Dating Game"—she was the one interviewing the three anonymous bachelors—the closest she ever came to film celebrity was leading tours at Universal Studios. So after three years in Southern California, it was off to college, where she fared much better. In 1984 she graduated Phi Beta Kappa from Berkeley, a political science degree in one hand and a ticket to Harvard Law School in the other.

The 1980s were not exactly a time of intense political activism at Harvard. But a growing interest in international

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human rights, kindled by a college year abroad spent working on behalf of Soviet refuseniks, drew her to the lone cause on campus: urging Harvard to divest from holdings in apartheid South Africa. Granholm's dedication to the cause stood out—at one point, the divestment activists were staging rallies every day—but so did her ability to be an activist leader without putting off other people, particularly men. "She has an extraordinary common touch about her," says Jamin Raskin, a classmate who now teaches law at American University. "She took progressive positions on things but was totally unthreatening to people."

Granholm has no soul-searching answers for why Harvard Law (or any other part of her biography) convinced her to go into public service. But her stint there had at least one crucial impact on her future political career. It was Harvard that introduced Granholm to her future husband, Dan Mulhern. A devout Catholic who shared Granholm's interest in divestment, and activism more generally, Mulhern seemed destined for a high-profile career in public service. (According to an article in the *Detroit Free Press*, as a child he told people he planned to be "pope or president" someday.) But soon after he lured Granholm to his home state of Michigan, it became apparent that she, not he, was the one with vast political potential.

The man who recognized it was one of the most powerful figures in Michigan politics: Ed McNamara, executive of Wayne County, which encompasses Detroit and a few suburbs. McNamara had plucked Granholm from the U.S. Attorney's office when he needed somebody to serve as the county's corporation counsel. Although not a particularly high-profile job, it came with heavy responsibility: in effect, overseeing the state's second-largest staff of public attorneys. Her performance as counsel impressed McNamara and his cronies, not just because she was a good lawyer but because she seemed like a natural leader. So when McNamara once again began looking for somebody to promote—this time, as the state party's nominee for attorney general—he again turned to Granholm.

McNamara surmised that Michigan, like the rest of the nation, was changing: Voters, younger ones in particular, had become comfortable with the idea of professional women and might just see a fresh face like Granholm's as an antidote to business-as-usual state politics. McNamara's intuition ultimately proved correct: In a year when the top of the Republican ticket, incumbent governor John Engler, won by a 24-point margin, Granholm narrowly beat a better-known Republican. Granholm was the only Democrat to win statewide office that day, making her the state's most powerful Democratic official and fueling speculation that she'd run for governor when term limits forced Engler out in 2002. Granholm did little to dampen such discussion. On the contrary, she embarked upon a series of high-profile crusades—taking on everybody from Internet porn purveyors to price-gouging health care conglomerates—that firmly established her reputation as somebody who fights on behalf of middle-class Michigan families. Although she described her gubernatorial bid as "too soon for my liking," given that she'd just become attorney general, nobody in politics was surprised to see her run.

GRANHOLM HAS HER critics. In the general election, Posthumus and his supporters have picked up the charge that Granholm's Democratic primary opponents used against her over and again: that she's all style and no substance. Granholm's advisers bristle at the accusation, pointing out the obvious (a nice smile doesn't get you Phi Beta Kappa at Berkeley) and citing the newly released "Securing Michigan's Future," a 79-page document chock-full of policy papers promising standard Democratic fare: improving access to prescription drugs, attracting high-tech jobs, demanding corporate responsibility and so on. But under close scrutiny that document, the fullest available explanation of Granholm's platform, actually validates some of the criticisms. Particularly compared with Engler—who introduced comprehensive, even radical, overhauls of both the state's welfare and education systems—Granholm's imagination seems relatively limited. For example, her solution to the state's Medicaid crisis (like every other state, Michigan's costs are exploding) is to promise "thoughtful planning" and to "convene a Medicaid task force of the best strategic health care, financial, and legal minds." Granholm also talks about attracting more federal matching dollars to Michigan—a nice idea, but not a real solution given that Medicaid funding from Washington actually seems to be shrinking these days.

Granholm may be keeping her proposals small because she's ahead in the polls and wants to play it safe. (At one point she told the *Detroit Free Press*, "I would like to give people bushels of specific proposals, except that's not what the political experts say I should be doing.") Or it may be that there's no money for major programs right now. Or she may simply have come up through the ranks so quickly that she hasn't yet had time to figure out who, exactly, she is politically. Whatever the explanation, the noteworthy thing is how little the attacks over substance have hurt her campaign. Her advisers have responded by subtly changing the subject—making sure the election isn't about ideas as much as it is about leadership ability and character, where her record as attorney general speaks for itself. The word that keeps coming up over and over again in Granholm's campaign rhetoric is the one that so clearly connected with the UAW workers in Flint: "fight." On her website, position papers proclaim that Granholm will "fight" profiteering drug companies and special interests. In speeches, Granholm touts her willingness to "fight" for Michigan families inundated by predatory purveyors of filth on the Internet. And in interviews, she talks about her determination to "fight" for Michigan's fair share of federal funds.

Granholm's decision to emphasize her career as a crusading attorney is in some ways most interesting because of what it means she's *not* emphasizing—namely, her roles as wife and mother. Early on, say campaign advisers, the Granholm team tested a presentation that put forth a more feminized, soccer-mom-style image. But it didn't work particularly well. "Everybody is interested in some basic family information,

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whether it's a male candidate or a female candidate," says one Granholm adviser. "But what we found out is that people didn't want to have their noses rubbed into the fact that, because she was a woman and had a family, she's going to somehow understand these issues better."

Sure enough, when I tagged along with Granholm's campaign one recent morning, her domestic side revealed itself just once in the course of three hours. We were on board her campaign bus, passing through Northville, the affluent Detroit suburb she calls home, when suddenly a parade of children dressed as Mayflower-style pilgrims marched out from around the corner. While none of Granholm's three kids—ages five, eleven, and 13—were in this particular procession, some of their friends apparently were. So as the bus idled at a traffic light and as the black-and-white clad moppets tramped by, Granholm wrinkled her nose, broke into a wide grin, and cooed to her staff about the familiar faces in the crowd.

It was precisely the reaction you'd expect from a 42-year-old suburban mom—which was precisely what made it so unusual. Granholm had spent the morning giving a major public address on state finance issues, courting local officials in meetings, and, in between, talking with me. We'd discussed the state of the Michigan economy and her ideas for developing a new high-tech corridor outside Detroit that focuses on homeland security innovation; we went over her ideas for alleviating overcrowding in the state's emergency rooms. Education, the environment, crime—you name it, it came up. But conspicuously lacking was extended discussion about domestic violence, affirmative action, or any other "women's issue." Not once had Granholm invoked her femininity as a reason that women, or men for that matter, should support her.

Toward the end of our interview, I asked Granholm to name her political heroes. Most of her list—Robert Kennedy, Martin Luther King, Gandhi—was predictable, the stuff of ninth-grade civics presentations. The one exception was the only woman Granholm mentioned, Margaret Thatcher. It was not lost on Granholm that Thatcher was probably the modern female politician who most transcended gender stereotypes. "She took no guff and got it done," Granholm explained. Presumably it was also not lost on her that Thatcher made it to the top. ■

How Kofi Annan fooled the Bushies.

Turtle Dove

By FRANKLIN FOER

ON SEPTEMBER 12, just after addressing the United Nations, George W. Bush lunched with Kofi Annan. According to U.N. custom, such occasions begin with a toast from the highest-ranking delegate from the host nation, and expectations for Bush's preprandial remarks weren't high. That morning Annan had delivered his own speech to the General Assembly, in which he slammed Bush's unilateralism and made it clear he wouldn't be the administration's yes-man on Iraq. ("I stand before you today as a multilateralist by precedent, by principle, by charter, and by duty.") A copy of his speech had leaked a day early to *The New York Times*, provoking Bush aides to privately complain about Annan's "showboating." But when Bush rose, one U.N. official recounts, "I nearly spit out my water." The president praised the secretary-general to the hilt. "He essentially called Annan an indispensable leader," says the official. "It was a gushing, gushing homage."

But five days later Annan disappointed the Bush team again. On September 16, Saddam Hussein penned a letter accepting "inspections without conditions"—dramatically undercutting America's push for a new Security Council resolution. Documents obtained by the State Department showed that the letter was co-authored by Annan, who had conspired with the Iraqis to throw a wrench into America's plans. In a conference call that Monday night, Condoleezza Rice and Colin Powell chewed the secretary-general out. Annan, one state department official told me angrily, "went behind our backs."

This is the ongoing theme of the Bush administration's relationship to Annan: It acts as if Annan were a member of the Cabinet. ("My man Kofi," is Powell's pet phrase.) And in many ways Annan is America's ideal secretary-general. He has championed globalization, mowed the U.N. bureaucracy, and chided African governments for playing the colonialism card to divert attention from their own incompetence. So when Annan reverts to conventional U.N. secretary-general behavior—pushing peaceful resolutions to crises, no matter the costs; worrying about impositions on state sovereignty; adhering to a stickler's strict constructionist interpretation of U.N. resolutions—he catches the Bush administration off guard. "It's mystifying, and perhaps arrogant, that [the administration] never sees it coming," says David Malone of the International Peace Academy, an occasional Annan adviser. Unfortunately, Annan reverts to conventional U.N. secretary-general behavior at the worst possible moments. In the face of genocide and dictators, he loses his nerve. That's why he bailed out Saddam last month and why he may

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still be the Iraqi tyrant's best hope for survival. The mystery, in short, isn't why Annan acts the way he does; it's why the Bush administration expects anything more from him.

ANNAN MAY BE the greatest secretary-general since Dag Hammarskjöld died in a 1961 plane crash. But then, it's not hard to look good compared with Nazi Kurt Waldheim or such invisible men as Javier Perez de Cuellar and U Thant. And Annan has benefited enormously from following Egyptian diplomat Boutros Boutros-Ghali. Pompous and imperious, Boutros-Ghali liked to brag that he disciplined his staff with "stealth and sudden violence." And he felt no compunction about applying the same technique to high-ranking diplomats. In 1995 he accused Madeline Albright, then–U.N. Ambassador, of "vulgarité" in front of the Security Council after she hectored him over the failures of U.N. peacekeeping in Eastern Slavonia. Or, to take the most notorious example of his undiplomatic style: At a 1992 press conference in Sarajevo, with sniper fire and exploding artillery shells in the background, Boutros-Ghali told the besieged Bosnians, "You have a situation that is better than ten other places in the world. ... I can give you a list."

In the United States, Boutros-Ghali's arrogance had turned him into a political liability. Bob Dole mocked his name on the stump for laughs. Pat Buchanan warned that the Clintonites had ceded American sovereignty to a world government. In 1996, to defuse the issue, the Clinton administration adopted Annan as their replacement. In contrast to Boutros-Ghali's crass anti-colonialism, the native Ghanaian spoke affectionately about the United States, even ruminating about retiring here. Just as Jesse Helms had demanded, Annan ran on a platform of "reforming" the U.N.'s vast, absurdly bloated bureaucracy. And in a break with the knee-jerk Israel-bashing that had become so much a part of U.N. culture, Annan spoke of his "Israeli friends." In fact, he boasted a premier philo-Semitic credential: marriage to Raoul Wallenberg's niece.

EDEL RODRIGUEZ

Annan's aides claim there's another reason he's a great secretary-general. "He's developed a new theory for the institution that places the human being at the center of the United Nations," says Shahsi Tharoor, one of his two closest advisers. At a glance, it seems banal rhetoric. But it actually represents a massive shift in U.N. doctrine. The organization's 1945 charter wasn't written to protect human rights and individual liberties; it was designed to promote the interests of states. The doctrine most invoked in the U.N.'s chambers was "state sovereignty." But as Annan pointed out in a 1999 speech to the Human Rights Commission, governments usually asserted state sovereignty to justify repression within their own borders. In the speech, which followed the Security Council's failure to endorse NATO air strikes in Kosovo, Annan promised that human rights would finally "take precedence over concerns of state sovereignty." Annan envisioned a liberal interventionist United Nations. He argued that "given the means—in Kosovo and in Sierra Leone, in East Timor and Angola—we have a real opportunity to break the cycles of violence once and for all." According to Robert Orr, one of U.N. Ambassador Richard Holbrooke's chief deputies, "Within the United Nations, it was nothing short of a revolution."

UNFORTUNATELY, IT WAS a bold doctrine espoused by a cautious man. During a 30-year career in the U.N. bureaucracy—head of human resources, director of the budget, administrative officer for the Economic Commission for Africa, chief of personnel for the High Commission for Refugees—Annan developed an organization man's phobia of risk. The tension first became clear during his tenure as chief of U.N. peacekeeping, from 1993 to 1996. On his watch the U.N. bungled its response to the Bosnian and Rwandan genocides. To take the sorriest episode from the Bosnian escapade: In 1993, in the town of Srebrenica, U.N. peacekeepers negotiated a cease-fire with Bosnian Serbs in exchange for the disarmament of the town's Muslims. The United Nations promised the Muslims that they didn't need the weapons because the U.N. would protect them in a "safe area." Two years later, 600 Dutch peacekeepers guarded the Muslims residing in the eastern Bosnian U.N. "safe area." But when the Bosnian Serbs mounted their July 1995 assault on Srebrenica, the U.N. betrayed its promise of security. By all accounts, Annan's office in New York sent muddled commands to the field. As a result, the Dutch fired not a single shot; they gave the Muslims the misimpression that they would be protected by NATO air strikes, and, as Serb General Ratko Mladic rounded up Muslim men, the peacekeepers stood aside. In the end, by the best estimates, the Serbs killed an estimated 7,414 Muslim men from the town.

But it's Rwanda that provides the clearest window into Annan's mind. Four months before the Hutus embarked on

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their 1994 genocidal rampage—800,000 Tutsis killed in 100 days—Annan's office in New York received a fax from Roméo Dallaire, the Canadian head of the U.N. contingent in Rwanda. The memo, labeled "most immediate," quoted from a well-placed informant who described in eerily precise terms the planning of the Hutu "anti-Tutsi extermination." Dallaire asked for permission to evacuate the source. He also announced that in the next 36 hours he would raid a "major weapons cache" that had been stockpiled in preparation for the genocide. Annan denied both requests. His office cabled Dallaire, "[T]he overriding consideration is the need to avoid entering into a course of action that might lead to the use of force and unanticipated repercussions." What's worse, he ordered Dallaire to inform Rwanda's Hutu President Juvénal Habyarimana of the informant, even though the informant had explicitly named the president's cronies as the planners of the genocide. At these key moments in Bosnia and Rwanda, Annan showed his fundamental timidity by his insistence that U.N. troops adhere to the strict letter of Security Council mandate—even if it meant sacrificing lives—and by his refusal to treat either the Hutus or Serbs as forces of evil rather than negotiating partners.

These failures didn't derail Annan's career. In fact, they largely did the opposite. Because he didn't resign in anger or make a fuss about U.N. inaction, he cemented his reputation as innocuous. He failed upward. And then he repeated his mistakes. During the Kosovo crisis of 1999, Annan couldn't (or wouldn't) take the lead in organizing a multinational force to stop the Serb offensive. While he clearly hinted that he personally agreed with NATO's air strikes, he publicly criticized them in a 1999 speech at The Hague: "Unless the Security Council is restored to its pre-eminent position as the sole source of legitimacy on the use of force, we are on a dangerous path to anarchy." And in Sierra Leone the following year, he sent in another peacekeeping corps doomed to repeat the mistakes of Bosnia. Undermanned, under-armed, and without a broad mandate, the peacekeepers were less than ineffective. They'd entered with the goal of keeping the peace between the government and Foday Sankoh's Revolutionary United Front (RUF), even though the only real solution was to destroy Sankoh's band of murderers. "To be neutral here is to be an accomplice in crime," Michael Ingatieff wrote in *The New York Times*. Soon the 500 Zambian and Indian peacekeepers sent by Annan were taken hostage by the RUF. It created the perfect image of U.N. ineptitude. And once again, the secretary-general expressed his deep remorse for a failed operation.

When the United Nations released its report on Srebrenica in the fall of 1999, an anonymous official made explicit the report's implicit conclusion to *The New York Times*: "Through error, misjudgment and the inability to recognize the scope of evil confronting us we failed to do our part to save the people of Srebrenica from the Serb campaign of mass murder. These failings were in part rooted in a philosophy of neutrality and nonviolence wholly unsuited to the conflict in Bosnia." Presumably, the United Nations publicly flogged itself so it would never again act like a neutral arbiter in a morally unambiguous situation and would no longer cut doomed deals with duplicitous tyrants. Taken seriously, this lesson would suggest a rather tough line against a leader who launches unprovoked attacks on his neighbors, gasses his citizens, and flaunts U.N. resolutions. And, for a time, it looked like Annan supported a tough approach to Saddam. In 1997 he appointed Richard Butler, a brusque Australian diplomat, to head the team of inspectors monitoring Saddam's post–Gulf war disarmament, the United Nations Special Commission (UNSCOM). But as Butler came into office, and Europeans increasingly complained about the horrors of sanctions, the Iraqis sensed the United Nations might be susceptible to its gamesmanship. So they worked to undermine public opinion about UNSCOM. (Iraqi Deputy Prime Minister Tariq Aziz and other Saddam surrogates dismissed the inspectors as roughneck "cowboys" and American spies.) The Iraqis hoped these complaints would force the United Nations to send in a new, more sympathetic set of inspectors who would declare Iraq disarmed, thus ending the sanctions regime.

As Butler describes in his 2000 memoir, *The Greatest Threat*, Annan usually played along with Iraq's antics. "The leadership of the U.N. had become a facilitator of Iraqi concealment," Butler writes. Or more precisely, Annan so deeply desired a peaceful resolution to the Iraq crisis that he downplayed Saddam's evasions. There are many small examples. When Butler tried to obtain access to presidential palaces, the Iraqis demanded that the United Nations send cartographers and produce new maps of the contested sites—an obvious stalling tactic. Nevertheless, Annan obliged the Iraqi request. When Aziz complained about the presence of American inspectors in UNSCOM, Annan suggested to Butler that he consider pulling them from the team. When Butler asserted to *The New York Times* editorial board that Iraqi missiles could "blow away Tel Aviv," a statement of fact echoed by Butler's predecessors, Annan privately chastised him for being "inappropriate." And every time Butler objected that these concessions to the Iraqis might hurt the cause of disarmament, Butler writes, "Annan and his senior staff would try to marginalize them. These 'details' were considered unnecessarily complex for what was perceived as a pure diplomatic project."

In February 1998, as the Clinton administration clamored to punish Saddam's intransigence with air strikes, Annan traveled to Baghdad. It was his "sacred duty," he announced upon arriving on French President Jacques Chirac's jet, to negotiate a solution. Annan cited passages from the U.N. charter obliging him to work for peace. But he seemed to confuse this obligation with the U.N.'s obligation to disarm Iraq. On his trip he stopped placing U.N. demands on Iraq and began acceding to Iraqi ones. In response to Saddam's qualms about presidential sites, Annan proposed a less rigorous technique for searching the Iraqi dictators' palaces and homes—"white glove inspections," he called them. A separate group from UNSCOM would look at these potential weapons

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factories accompanied by "senior diplomats." In other words, he tacitly endorsed Iraq's complaints against the UNSCOM "cowboys." A far more striking concession, however, came in the final paragraph of the Memorandum of Understanding signed by Annan and Saddam. It reads: "The lifting of sanctions is obviously of paramount importance to the people and Government of Iraq and the Secretary-General undertook to bring this matter to the full attention of members of the Security Council." Annan had, in effect, granted the argument to Saddam. It was sanctions, not Saddam's manipulations, that caused the Iraqi people to suffer. Now, Annan had signed up to advocate Saddam's position to the world.

Upon returning to New York, Annan pronounced his trip a smashing success. "[He's] a man I can do business with," he said of Saddam at a press conference in Turtle Bay. He told confidants that his diplomatic approach had triumphed over Washington's militancy. "They should not encourage me to be a Rambo—because I can never be a Rambo," he explained to the journalist William Shawcross. He truly believed that he'd made a personal connection with Saddam. But it soon became clear that the connection was entirely illusory. As Annan departed Baghdad, Aziz sent a letter unilaterally making important amendments to the Memorandum of Understanding, such as insisting that "state documents shall not be subjected to the verification in question." Within nine months the UNSCOM inspectors had been thoroughly stymied, blocked from any meaningful searches. But even then Annan didn't back American strikes against Saddam. When Operation Desert Fox commenced in December 1998, he announced, "This is a sad day for the United Nations and for the world. It is also a very sad day for me."

AT THE HEIGHT of his 1998 visit to Baghdad, Annan received a 2 a.m. call from an enraged Madeline Albright. She couldn't believe the concessions she'd heard that Annan had made to the Iraqis. As her tirade worked toward its crescendo, Annan interrupted, "You're presuming on our friendship." He slammed down the phone. But the Clintonites had good reason to presume. Before Albright had begun to campaign for him, Annan had been a long-shot secretary-general candidate at best. Once Annan got the job, he and Albright together softened up U.N. scourge Jesse Helms, so that in 1999 the Senate approved contributing to the organization's coffers after years of shirking. And even though the Iraq crisis soured Albright and her staff on Annan, it didn't affect the administration's relationship as a whole. Richard Holbrooke especially became a booster of Annan, dining with him in private and praising him in public. Besides, it was never entirely clear that Bill Clinton himself resented Annan's February 1998 intercessions, which prevented him from having to strike Iraq at the height of the Monica Lewinsky scandal, letting him put off an attack until December—a far less politically volatile moment. As John Ruggie, one of Annan's top deputies, argued in *The Nation*, "President Clinton saw in the U.N. a useful tool to avoid or limit U.S. engagement abroad that might pose domestic political risks and a handy scapegoat when those efforts failed."

Far stranger is that the hawkish Bush administration has grown so close to Annan. And it's largely Powell's doing. The two men trace their friendship to the Gulf war, when Annan helped negotiate the release of 900 U.N. employees held in Iraq. They also share an interest in African AIDS. According to State Department officials, Powell has built up Annan's reputation for reliability within the administration. But it wasn't until September 11 that the Bushies saw Annan's real value—as someone who could take on the Afghan nation-building responsibilities that the Bush team didn't want. In the weeks after the attack, Bush finally convinced the House Republicans to pay $582 million in arrears. Annan has since become a regular presence at the White House, where Bush has declared, he possesses a "good heart." "[Annan is] a class act, as we say in the state of Texas," Bush announced at a New York reception last month.

Which helps explain why, despite having been burned by Annan so recently, the State Department seems poised to repeat the mistake. After Powell and Rice slammed him in the September 17 conference call, one U.S. official pointed me to the headline of a *Los Angeles Times* article: "ANNAN BOWS OUT OF THE TUG OF WAR BETWEEN THE U.S. AND IRAQ." Another official told me, "I think Powell and [U.N. Ambassador John] Negroponte aren't worried about his doing more damage. He's out of the picture for now." But Annan advisers say that if the State Department believes this, the United States is mistakenly presuming on his friendship once again. With or without a new U.N. resolution, inspectors will return to Iraq. Inevitably, Saddam will thwart their work and the crisis will build. At that point, Annan's advisers say, he might try another last-ditch effort at preventing war. And if the United States and Britain strike without the Security Council's blessing, he will bemoan the violation of international law. "It's his constitutional obligation to promote peace," says Tharoor.

If the Bushies want to truly understand Annan, they should read Shawcross's book *Deliver Us From Evil*. Even though Shawcross intended to produce a hagiography of the secretary-general, he couldn't help but convey some telling details. Just as Butler described, Shawcross shows that Annan has never had his heart in the anti-Saddam crusade, being much more concerned with ending sanctions and keeping the peace. ("He has a totally different view of Iraq from the United States," says A. Peter Burgleigh, who served as the U.S. ambassador to the United Nations during the 1998 crisis.) When Annan traveled to Baghdad in February 1998, he joined Saddam in the Republican Presidential Palace to smoke Cuban cigars. Annan, according to the Shawcross account, showered Saddam with flattery. As Shawcross later recounted the conversation, Annan told Saddam, "You're a builder. You built modern Iraq. It was destroyed once. You've rebuilt it. Do you want to destroy it again?" During the conversation, Saddam took notes on a yellow pad and never looked Annan in the eyes. When Saddam didn't respond, Annan escalated the flattery. "You've taken some courageous decisions," he continued. Too bad the same cannot be said of Annan more often. ■

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Stanley Kauffmann on Films

Survivors

KINDNESS IS CALLED for when looking back at notable movements in film history, especially when discussing the survivors. Those movements always diminish, and it verges on the inhumane to pit a survivor against the promises—even the achievements—of the movement at its height. There is so much in the film world that an artist cannot control. Even if he has had control, allowance must often be made for the sheer blistering difference between the ages of twenty-five and fifty. Judgment is not to be muffled, but kindness counts.

So with the New German Cinema, which has its survivors. This movement developed in the late 1960s and was led by exceptional talents, among them Werner Herzog. Most of these directors were around thirty, had been small children through World War II, had grown up with increasing awareness of the horrors they had unwittingly lived through, and were increasingly revolted by the fact that the war had insufficiently altered their country's morale and intent. An immense price had been paid for—in their view—inadequate change. If the New German Cinema had one unifying theme, it was disgust at the quick postwar resurgence of bourgeois complacency.

Herzog's films did not often address this complacency directly, but his dynamic portrayals of other kinds of life, unsettled and unsettling, rebuked coziness as an ideal. *Aguirre: The Wrath of God*, *The Mystery of Kaspar Hauser*, *Fitzcarraldo*, and *Nosferatu*, among others, did not deal with contemporary Germany, but they were meant to disturb easy acceptances. Almost as proof of this, Herzog seemed uninterested in any film unless he himself was in some way at risk in its making. The accounts of, for instance, his struggles with jungle conditions in South America in the making of *Aguirre* and *Fitzcarraldo* seemed almost to be part of the films that resulted. Herzog not only stretched the envelope of the film world, he sometimes pierced it.

In recent years Herzog, who now lives in Hollywood, has (reportedly) made films up to the brim of his ire and empathy. But the brim seems to have altered. **Invincible** (Fine Line), his first fiction feature to be released in the United States in eighteen years, is certainly a Herzog work. Its central character is an innocent in a devious world (like Kaspar Hauser and Stroszek), and it moves with the Herzogian pace and weight of a juggernaut. But it does not have his former films' sense that the screen is on fire with his intensity. It simply plods on, almost as if it were a folk tale being recounted, until it is finished.

His screenplay is based on fact. In 1932 a phenomenally strong young blacksmith, a Polish Jew named Zishe Breitbart, makes his way to Berlin in search of fortune. He is employed to do a strong-man act in a cabaret run by a showman named Hanussen who also performs as a hypnotist. (The Hungarian director István Szábo made a quite different film about Hanussen in 1988.) Zishe is ordered to wear a blond wig and is cheered every night by the numerous Nazis in the audience as a paragon of Aryan excellence. Breitbart's masquerade and Hanussen's hypnotizings are moderately pungent metaphors for the deceptions of the era. Inevitably, difficulties and disclosure come along. Zishe returns to his town in Poland and tries to warn his neighbors of horrors to come. They ignore him.

A Finnish weight lifter named Jouko Ahola, as Zishe, is so ungifted an actor and tries so earnestly to do his role well that there is something sweet about him. On the other hand, Tim Roth, as Hanussen, is so convinced of his talent and is so mistaken that he is close to unbearable. The only woman of prominence is played by Anna Gourari with an almost startling lack of effect. The structure of the film is patchy. Continuity and motivation are bumpy, as if Herzog, when he assembled the picture from available bits and pieces, found out too late that he did not have enough of them and did the best he could. The cinematography, by Peter Zeitlinger, is so lush that it countervails the ironies that the film may have intended.

Still, summoning kindness, we are left with rueful gratitude for the picture. If it is a sag in Herzog's career, at least its attempts at political and moral size remind us that his earlier career was and is important.

Philippe de Broca is another formerly young director who survived a movement. He was a figure in the French New Wave, which arose a decade earlier than the German New Cinema and had different colorations. Truffaut and Godard and Chabrol were as irruptive as the Germans, but they were more interested in joy—not necessarily comedy (*Jules and Jim* is hardly blithe) but sheer joyous exultation in free film-making.

No one exulted more buoyantly than de Broca, but no true talent in the New Wave was less celebrated. *The Joker* and *The Five-Day Lover* and *That Man From Rio*, each a finely turned scherzo on a serious theme, are scarcely noted in the New Wave legacy. Pity. If Herzog's screen burned, de Broca's uniquely bubbled.

Of his subsequent films only a relative few have been released here, but none that I have seen has had the same uniqueness. Now comes **On Guard** (Empire), which is almost anonymous. It is well enough made but stylistically bland. The screenplay, by de Broca and Jean Cosmos, is an adaptation of an 1857 novel (*Le Bossu*, by Paul Feval) that has already been filmed five times. It may well be filmed another five because it is an ideal vehicle for brainless swashbuckling. Set in France in the Regency period, in the early eighteenth century, it centers on a lost child of noble birth and her eventual return to her mother through the devotion of a gallant hero. The most interesting aspect of the story is the twist that the hero, who has raised the girl from her infancy and has loved her as a guardian, is later allowed to love her as a man. The bar of incest is swept away, and both are happy.

Well, there is one other interesting point: Daniel Auteuil is left-handed. If not, he has learned how to fence with his left hand—skillfully enough to survive a dozen or so of those Douglas Fairbanks sword fights in which the hero beats a large band of attackers. Auteuil, the hero, has to age sixteen years in the course of the story, and his face fits the role better and better as time goes on. But his arm never weakens. His fencing is more important to this film than his extraordinary talent.

The scenery in southern France is gor-

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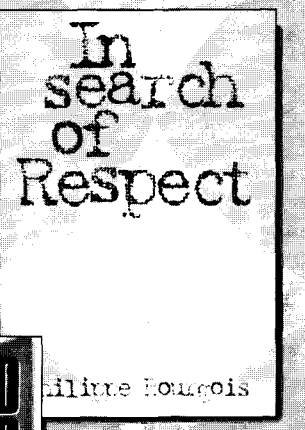

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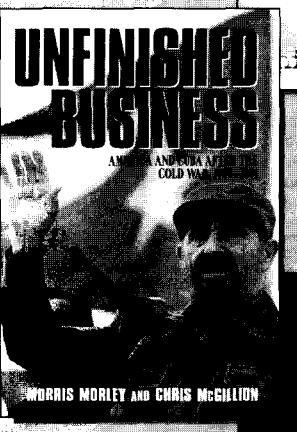

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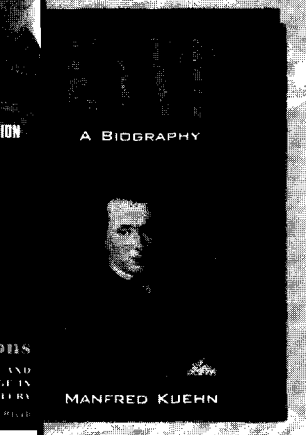

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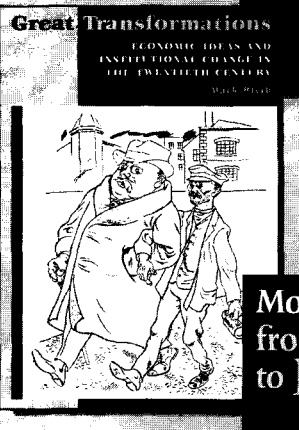

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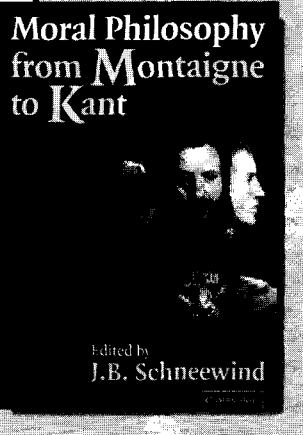

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geous; so are the costumes. (The score is peculiar. Why, in this Regency film, do we hear a snatch of *Lohengrin* and repeated bits of *Cavalleria Rusticana*?) But the picture completely lacks the still-cherished de Broca touch. The best that kindness can say is that *On Guard* was made by a competent director. At least in Herzog's film we can see traces of the younger man. Not here. ■

Robert Brustein on Theater

Arthur Miller at 87

With Arthur Miller reaching the age of eighty-seven this month, it is time for those of us who have not always been in his corner to salute one of our theater's most distinguished elder statesmen. Aging surely has its inconsolable side, the worst being the waning of your faculties and the loss of those you love (Miller this year suffered the death of his wife, the gifted photographer Inge Morath). But one of the advantages of growing old is that you finally begin to outlive your critics—or at least their sour opinions of you.

Miller has managed to prevail over an indifferent critical community largely by continuing to pursue what Dylan Thomas called "my craft and sullen art." Shaw also kept writing well into his nineties, not because he had something to say, but rather, as he ruefully reflected at times, because he did not know what else to do. Miller's later works, by contrast, are hardly products of dotage. His creative muscles have deteriorated as little as his physical powers. (Miller may walk with a stoop, but he remains an expert carpenter.) Though hardly masterpieces, his later plays are bold attempts to plow new formal ground, even if they occasionally harvest relatively familiar themes.

Miller's reputation, for years in eclipse in America, has always been solid in London, where virtually every work, new and revived, is greeted with the kind of enthusiasm usually reserved for coronations and royal weddings. I once said that England and America were two countries divided by a common playwright. That remains true to a certain degree, but Miller's reputation in this country, following the recent Goodman Theater revival of *Death of a Salesman*, has been strengthening considerably. While his late plays may still draw critical fire, producers have been paying homage to him with a slew of productions, and writers with a number of celebratory books. Two of these recent books reveal an intellectual side to Miller that has, oddly, been insufficiently appreciated, considering that his social and political interests have been the most consistent—I would even say insistent—aspects of his career.

These two books—**Echoes Down the Corridor,** published by Penguin (Miller's collected essays from 1944 to 2000, edited by Steven R. Centola) and **Conversations With Arthur Miller,** from the University Press of Mississippi (Mel Gussow's chatty cluster of interviews from 1963 to the present)—suggest how dogged Miller's ideas have been over the past half-century. This intellectual consistency is a sign of Miller's stubbornness and persistence, qualities that have helped him keep his balance in our fickle culture. The price of this is a degree of repetition within each book and from one book to the other, possibly because Miller is always being asked the same questions. The echoes down the corridor often reverberate from similar acoustical sources.

One of these echoes, usually a melancholy one, has to do with change. Miller's nostalgia for a simpler, more decent America, when people put more faith in each other and less in things, was already evident at least as early as *Death of a Salesman*, which was first produced in 1948. (Alex North's haunting flute theme insinuated itself whenever Willy Loman reflected on the lost Eden of his Brooklyn neighborhood.) From these essays and interviews, it is clear how much Willy's nostalgia for a lost time really belongs to his creator. In 1955, in an essay called "A Boy Grows in Brooklyn," Miller, using the Loman idiom, remembers how lovely his own neighborhood was in the spring and fall, and how "one could sing out loud for the beauty of it." Gone, all gone, along with the bucolic innocence that he recalls in a later essay about the Connecticut village he has called home for the past half-century, where "all the land has become real estate." In a tribute to his alma mater, the University of Michigan, he senses a change from the years when he attended—buildings where once there were lawns and trees, professors acting as entertainers, a certain propriety and stiffness in the air, a new conformity. In the theater, he sadly notes the emergence of the star actor and star director usurping the traditional power of the playwright, along with the disappearance of an engaged and loyal audience. In an essay on what we once called "juvenile delinquency," he detects a new nihilism among youth replacing the old political passions.

That was in the 1950s. In the 1960s the student radicals arrived. Miller observes these middle-class rebels with something less than total admiration, invidiously comparing them with the leftists of the 1930s, on whom he turns his patented nostalgia. The first group emerged out of scarcity, fulminating against social inequity; the second came from abundance, complaining about the inadequacies of their parents. About the only thing that seems not to have gotten worse in the view of Miller, writing in 1984, is anti-Semitism, though he might feel compelled to alter that opinion today.

Another passion that Miller has maintained throughout the years is his outrage against social injustice. These feelings are allied with his belief that art must serve a political function—"remaking humanity in one way or another, and of course," he drolly adds, "winning fame at the same time." It is a belief that led him to embrace Marxist causes in the 1930s, though he recognized before most of his fellow radicals that the Soviet Union was one of the most repressive regimes on earth. (It took him somewhat longer to stop idealizing the Common Man.) His reward for signing a few manifestoes and attending a few rallies was an indictment from the House Un-American Activities Committee, a process that cost him $40,000 in lawyer's fees, the loss of his passport, and a citation for contempt of Congress when he refused to follow his colleague Elia Kazan in naming names. (Chairman Walters offered to lift the indictment if Miller would allow him to be photographed with Marilyn Monroe, the playwright's wife at the time.)

Instead of abandoning his political idealism or turning cranky and neoconservative like many of the old Stalinists and Trotskyites, Miller channeled his disappointed political energies into positive

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The Deer, the Mushrooms, the Umbrella

Only the shaking daisy-flowered crowns of fleabane marks the groundhog's trail as he flows from sight down the riverbank cloaked in wet choke-cherry and anonymous foliage. The doe and her two fawns—stopping to stare at me before stepping gingerly through underbrush and sending up small puffs of water-vapour off the dark leaves of myrtle and the curved leaves of Solomon seal—are wrapped in such silence that I can almost hear their eyelids open and close, their ears swivel and dip, the silk-quick grace of their limbs shiver to attention, ready for flight. In the woods, mushrooms have sprung overnight out of leaf mulch and gleam like moonrocks or shards of icefire taking root among dead things of earth, the lush mothering brown of leaves a ground for them to glow on—holding alien court, taking over. Light, under the green dome of my umbrella, tinges to a celery shade in which my eyes, like startled carp, are treading water.

Eamon Grennan

action, defending, as president of PEN International, dissident artists and intellectuals in Turkey, Czechoslovakia, China, and the Soviet Union. (His essays also include an excellent interview with Nelson Mandela.) He became a minor witness to history as a delegate to the Democratic National Convention in 1968, writing about the bloody "Battle of Chicago" that ensued. He was a delegate to the Miami convention in 1972 that helped nominate George McGovern. He took the opportunity to defend Bill Clinton against a rebirth of the sexual and political witch-hunting that inspired *The Crucible*. In his best essay, "*The Crucible* in History," originally a lecture delivered at Harvard, he makes a strong case for the analogy in that play between the Salem witch hunts and McCarthyism, refuting the charge that his comparison was spurious because, unlike witches, Reds actually existed.

MILLER'S STYLE IN these accounts lacks the wild energy of Hunter S. Thompson's journalism or the kind of freestyle associating found in Norman Mailer's reportage. Indeed, while Miller's prose undergoes considerable improvement in later years, it is often more than a little clunky. Somewhere beneath the skin of the sociologist there is a genuine poet, but, as Eliot remarked about Shaw, the poet in Miller is usually stillborn. What keeps his language alive are his hallmark virtues: heroism, decency, and dignity—qualities easily mocked in our cynical age, yet inarguably authentic in Miller.

Miller's activity on behalf of imprisoned artists finds its artistic counterpart in his generosity toward his competitors in the theater, many of them in another kind of exile. He writes a warm tribute to Tennessee Williams in 1984, in the midst of Williams's decline in public affection. He expresses admiration for Mamet and for Albee, especially the latter's *Three Tall Women*. Twice arraigned for indecency himself, he defends Karen Finley against her Tartuffian congressional critics ("Anyone who covers herself in chocolate needs all the support she can get"). He praises younger writers such as Robin Alan Baitz and Christopher Durang. He maintains a soft spot for Pinter, despite his increasingly rabid anti-Americanism. And he expresses great admiration for Sartre, despite his unapologetic Marxism and often clumsy didacticism. (Sartre's *The Condemned of Altona* was surely written in imitation of Miller, and Sartre was responsible for the ideologized screenplay of the French film of *The Crucible*.)

It is regarding Miller's remarks about the theater, in both the essays and the interviews, that I sometimes find myself in disagreement with him. I applaud his recognition of the deep sentimentality in the optimism of Wilder and Saroyan. I share his belief that Lee Strasberg was more interested in creating television and movie personalities than versatile theater actors, and that his influence on Marilyn Monroe, whose minor comic talents he invested with absurd pretensions, was less than felicitous. I have experienced the same chagrin as Miller over the fact that most actors prefer the high pay and easy hours of film to the rigors of the stage. (Not all, of course: many continue to make considerable sacrifices for their art, and Miller is full of admiration for the talent and the commitment of Dustin Hoffman in a revival of *Death of a Salesman*.) And of course I welcome his eloquent complaints about the use of theater as mere entertainment (he calls Broadway in its present state "a surreal Coney Island").

But Miller's tendency to judge drama largely by its political content has led him until very recently to underestimate Beckett, along with what he once called "the whole absurd department." Despite his calls for a subsidized theater, he never seems to have shaken his conviction that plays have to be produced on Broadway to acquire any significance (or profit). And despite his liberal socialist leanings, he continues to consider plays the exclusive and unalterable capital of the playwright. (He once threatened suit against The Wooster Group for daring to produce an unauthorized version of *The Crucible*.) Although he admires Brecht, Miller certainly doesn't agree with his comment that "in literature, as in life, I do not recognize the concept of private property."

Miller is correct to dispute the charge that he is a realist who lacks poetry. But there is no question that most of his plays exist so as to advance an argument. When Gussow notes how many times lawyers appear in his plays, Miller responds, "Law is a metaphor for the moral order of men." Kazan once suggested that Bernard in *Death of a Salesman*, who pleads a case before the Supreme Court, was a stand-in for his author. Pleading a case certainly seems to be one of Miller's major theatrical and literary functions. For this writer, the personal may be the political, but seldom does the political shade into the personal.

It may be that Miller never experienced the messy eruptions that spill into the laps of most of us, but in these pages he rarely reveals any inner secrets. One feels a similar reserve in his characters: John Proctor in *The Crucible*, Eddie Carbone in *A View From the Bridge*, Quentin Compson in *After the Fall*, and even Willy Loman all seem to have more significance as political and moral signifiers than as individual sufferers. Few of his characters ever escape their author's control to achieve a life beyond their dramatic function, as Falstaff escaped Shakespeare and Mother Courage escaped Brecht. The bigamous hero of Miller's recent *A Ride Down Mount Morgan* displays a non-political private life that the author refrains from judging, but he is a rare bird. Only his comic characters—notably Solomon in *The Price*—share this freedom, for comedy, like lunacy, is the expression of the unaccommodated man.

With his preternatural sense of dignity, Miller always manages to protect his privacy, even when he is responding as honestly as he can to Gussow's probes into the secret areas of his life. (Miller's otherwise engrossing autobiography, *Timebends*, though never less than forthcoming, comes

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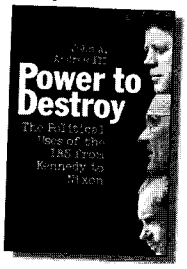

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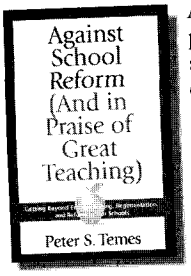

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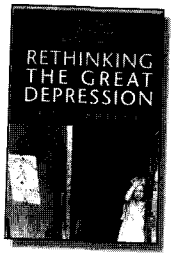

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across more like a statesman's memoir than like the confessions of a Rousseau or a Gide.) There is one moment in *Conversations With Arthur Miller*, however, when we get a glimpse of the inner man, and it has to do with food. Gussow has brought the playwright to Union Square Café, where Miller orders a "marvelous hamburger," advising the waiter, "Without telling anybody, put a little bacon in it. Maybe you got a tomato, sliced tomato." When the meal comes, he reminds the waiter, "Just don't tell anybody." Miller at this moment brings to mind the invalid Joseph Cotten confined to a wheelchair in *Citizen Kane*, trying to wheedle a cigar out of the reporter interviewing him without letting his nurse find out. It's a small moment, but it's a precious one.

Asked by Gussow what his legacy will be, Miller modestly replies: "Some good parts for actors." His legacy will no doubt consist of considerably more than that. The photographs on the cover of *Echoes Down the Corridor* show Miller's progress from a handsome, raw-boned young man for whom the future seems limitless to a balding, smiling, sad-eyed skeptic who has experienced the best and the worst that America has to offer. ("I don't know where to do the next play" is one of his most sorrowful commentaries on the American theater—the play was *Resurrection Blues*, and it was done at the Guthrie to mixed reviews.) That he has managed to keep his equilibrium and his equanimity on our crazy national cultural roller coaster is a tribute to his stubborn endurance. A true public intellectual, he leaves not just a legacy of powerful plays, but also a shining moral example unmatched in American theater. ■

Art With the Proper Stranger

By TERRY CASTLE

The Lives of the Muses: Nine Women and the Artists They Inspired by Francine Prose

(HarperCollins, 416 pp., $25.95)

BACK WHEN I was a college student, in the early 1970s—at a tiny school in Tacoma, Washington—one of my fellow English majors was a lady named Tina. Tina was older than the rest of us: a married woman in her thirties who had come back to school to finish her B.A. She was rosy, bodacious, slightly dimwitted, and the first full-blown nymphomaniac of my acquaintance. Whenever we studied a new author, her favorite post-lecture question—leeringly posed when our little all-female klatch of majors met for coffee after class—was inevitably: what do you think X would have been like to sleep with? No matter how unalluring (or unavailable) the writer in question might seem to be—we hit on everybody from the Beowulf poet to Truman Capote—Tina insisted that we put our minds to the subject. She was eager for our views. Sometimes, in a dire refinement of concupiscence, she would pose the question as a stark Kierkegaardian either/or: whom would you rather sleep with, Donne or Marvell? Byron or Keats? Arnold or Swinburne? Henry James or Henry Miller?

Though chaste at the time—and already tending to eccentricity—I would try to play along. Do the author and I get to "do it" at my place or his? If I choose Keats, will he already be suffering from T.B.? (Coughing up blood: a definite turn-off.) Can I ask Arnold to trim those hideous sideburns and stop parting his hair in the middle? Tina was our expert. But there was also a certain pathos about her. She wanted some Great Writer under her erotic sway; it didn't matter if he had been dead for four hundred years. She yearned to be a femme fatale, even if only via the

TERRY CASTLE teaches English at Stanford University. Her new book, *Boss Ladies, Watch Out! Essays on Women, Sex, and Writing*, has just been published by Routledge.

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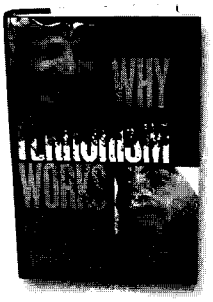

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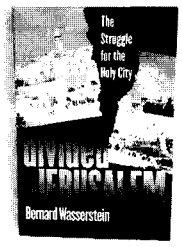

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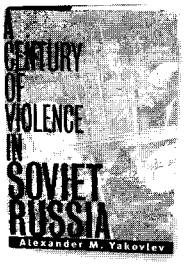

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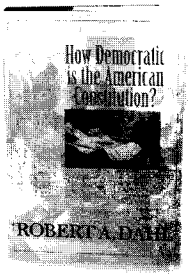

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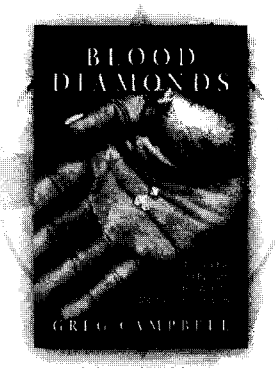

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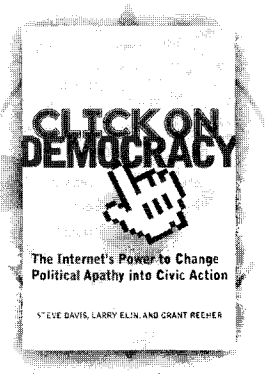

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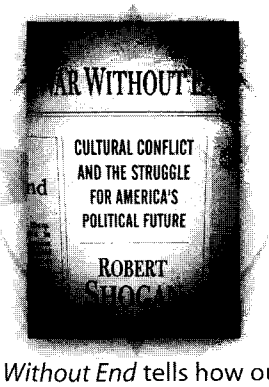

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pages of the Norton Anthology. She ended up having an affair with one of our professors—a brawny young Joyce scholar with a black beard and hippie hair who turned out, she wistfully confided to us, to be impotent with any woman other than his wife. The poor man (ahem, ahem, ghastly stage whisper) *had been molested as a little boy by a Catholic priest!* So that explained it. Though this was the first time—our knowing looks notwithstanding—we had ever heard of *that*.

I thought of Tina, stalker of men, while reading Francine Prose's new book about muses. As her brazenly post-feminist subtitle—*Nine Women and the Artists They Inspired*—suggests, Prose is magnetized by what it means to be a muse: a woman who by some unique combination of personal charms—physical beauty, emotional receptivity, intellectual passion, or sheer knock-'em-dead charisma—inspires a man of genius. What is the curious alchemy, Prose asks, between an artist and his muse? What strange psychic powers do certain larger-than-life females exert over brilliant and gifted men? In search of answers, she offers a series of case studies—nine potted "lives of the muses" intended to plumb the deeper mysteries "of Eros and creativity." Now this is a project that Tina would have adored, not least because Prose invariably takes up the sex question. Did the muse ever sleep with "her artist," and if so, what was it like? Never mind—as she is forced to acknowledge—that some of her nine ladies never did, or that about the others we will never know.

Eros-wise, and in lots of other ways, the "muses" fêted here make up an ill-assorted pantheon. First among them, unpredictably enough, is Hester Thrale, the witty, often waspish friend of Samuel Johnson. (Abrasive and unbeautiful, she hardly seems to fit the classic stereotype of the muse.) Thrale is followed by Alice Liddell, the unnerving Victorian ten-year-old who prompted Charles Dodgson to write *Alice in Wonderland* and *Through the Looking-Glass*. Then, by giddy turns, come Lizzie Siddal, the laudanum-addicted, melancholic consort of the Pre-Raphaelite poet and painter Dante Gabriel Rossetti; Lou Andreas-Salomé, the brainy Russian vamp idolized by Nietzsche, Rilke, and Freud; Gala Dalí, bitch-goddess wife of the visionary, odious Salvador; Lee Miller, war correspondent, *Vogue* model, and onetime lover of Man Ray; Charis Weston, artist's helper and household drudge to the photographer Edward Weston; Suzanne Farrell, the enigmatic prima ballerina who captivated Balanchine; and last but not least, the redoubtable Yoko Ono, Fluxus artist, rock star, primal screamer, and much-maligned "Bed-In for Peace" partner of John Lennon.

The jumps from one Great Man–Muse couple to the next are dizzying, to say the least. (How often do you find *Thus Spoke Zarathustra* and the Plastic Ono Band discussed in the same book?) Yet the oddity of its juxtapositions notwithstanding, it is easy to see what Tina would have relished in Prose's venture: the relentless focus, half intellectual and half lubricious, on a certain kind of female sway. I mean the kind that leaves men Enthralled and On Their Knees. From Thrale to Ono, each of Prose's "muses" is indubitably a killer babe. If you are interested in killer babes—or, better yet, if you are interested in becoming a killer babe—there is a great deal here to ponder.

WHICH IS NOT to say that Prose is entirely upfront about what it means to be, as she puts it, a chronicler of "musedom." This is one of those books that pretends to a certain jadedness, even cynicism, about its subject. The mode is hip, knowing, worldly wise, unsentimental. One of Prose's guiding notions—put forth in a suave, emollient, and much too facile introduction—is that modern-day "muses" represent a bathetic come-down from the nine Muses of classical antiquity. The Greeks and the Romans worshipped their Muses as deities, Prose observes: to invoke the Muses was to draw upon the sacred sources of creativity itself. With the coming of Christianity, however, goddesses went out of fashion and artists had to seek inspiration in new and less exalted ways:

> A vision of Jesus on the cross could inspire a great painting of the Crucifixion, but might put a bit of a damper on the erotic poet. There *were* no deities to oversee the lyric, the love song, the dance. Another source was needed, an alternate explanation for creativity—for what cannot be summoned at will and seems beyond the artist's control. Since a reversion to paganism was clearly out of the question, there was nowhere to go but down—from the divine to the mortal. And since falling in love is the closest that most people come to transcendence, to the feeling of being inhabited by unwilled, unruly forces, passion became the model for understanding inspiration. Why does the artist write or paint? The artist must be in love. And so the troubadour's lady, the ideal unattainable object of courtly love, became the compromise candidate, positioned somewhere between the Virgin and an actual flesh-and-blood woman.

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Over the centuries, Prose adds, these "earthly muses" have themselves been degraded. Since the Middle Ages, there has been a shift in Western culture from pristine, idealized angel-women—such as Dante's Beatrice—to conniving, in-your-face, monster-muses such as Gala Dalí, who stage-managed her husband's career as surrealist provocateur and resident art-world grotesque from the 1930s to the 1980s. It is Prose's notion that every epoch gets the muse it deserves, and in a period of soulless sexual exploitation, squalid celebrity cults, and frenzied self-promotion, someone like Gala embodies indeed the leaden Spirit of the Age.

Yet if modern-day muses don't quite match up to those of old, their lovers—including the strange minotaur-men whose lives and works Prose chooses to examine here—are not a particularly uplifting bunch either. Prose doesn't want us to think she romanticizes either men or heterosexuality, and she is quick to disparage the "geniuses" in her book who have treated their muses churlishly. Thus Edward Weston, a grim domestic tyrant who made the unfortunate Charis Weston slave away in his developing room inhaling toxic chemicals, is chastised for his emotional coldness and anal-retentive personality. Prose notes with revulsion that he was a "health nut" and vegetarian, liked to give himself enemas, and "always squatted to defecate." (Poor squatting defecators, one is tempted to opine: the last minority it is still OK to insult.)

John Lennon, unfaithful to Yoko and binging wildly on drink and drugs in the early 1970s, gets pegged as an infantile, self-involved buffoon. ("John sought solace and distraction at a nonstop Los Angeles party attended by an ever-changing cast of debauched rock and rollers, and by reporters eager to tell the world about the fallen Prince of Peace wearing a Kotex on his head and heckling the Smothers Brothers.") And the brickbats fall like rain on poor old Rossetti, who is savaged here as both a crummy artist (he could not draw, he picked dopey subjects) and a closet necrophiliac. He was a bit ghoulish, one must admit. After the young Elizabeth Siddal, his beautiful red-haired model-turned-wife, died of a laudanum overdose in 1862, he decided, as a tribute to her, to place in her coffin the only existing manuscript of his complete poems. While DG wept copiously, she (and it) were interred in London's Highgate Cemetery. A few years later, his grief having abated somewhat, he decided he needed the manuscript back and had her exhumed in order to retrieve it.

But neither does Prose want any guff

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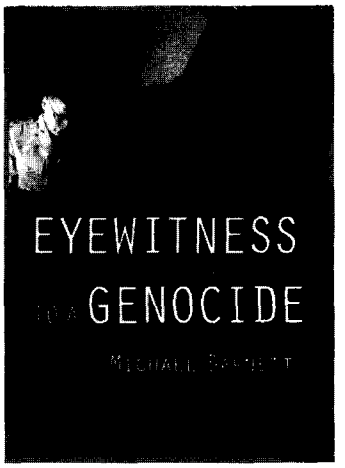

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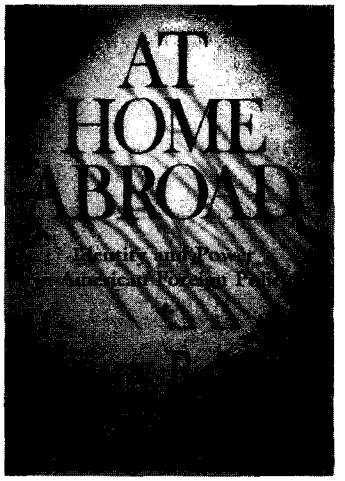

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from anybody about her great theme: what it is like to be a woman adored by a genius. She certainly has no time for dreary old feminists. Political objections to the "muse" topic are raised only to be quickly sidestepped or finessed. "Doesn't the idea of the muse," asks Prose in the introduction, playing her own devil's advocate, "reinforce the destructive stereotype of the creative, productive, active male and of the passive female, at once worshiped and degraded, agreeably disrobing to model or offer inspirational sex? Shouldn't the muse be retired for good, abolished along with all the other retro, primitive, unevolved sexist myths?" The answer is, well, erm, not exactly. Yes, Prose avers, we live in enlightened times: the demeaning sex roles of old, thankfully, no longer rule our lives. Women are now free to have "male muses" if they want them. Not only that, some people, *mirabile dictu*, now even have same-sex muses. "The lives of the muses repeatedly demonstrate," Prose suggests,

> that such details as gender, physiology, and what is generally considered to be "normal" or "appropriate" heterosexual desire have little bearing on the alliance of Eros and creativity. Consider such unusual couples as Charles Dodgson and Alice Liddell, or Gala and Salvador Dalí. History abounds in same-sex artists and muses—Diaghilev and Nijinsky, W.H. Auden and Chester Kallman, Natalie Barney and Romaine Brooks—men and women who worked their inspirational magic often despite the additional strains and challenges of social censure and the need to keep their connection secret. Gertrude Stein's most appealing and accessible book was, after all, the putative "autobiography" of her loyal muse, Alice B. Toklas.

When it comes to pursuing such possibilities, however, Prose quickly veers away. Having nodded politely in the direction of Wystan and Chester, Gertrude and Alice, she instantly loses interest in same-sex muses. (After this single cameo appearance they are never mentioned again.) But neither can she get too excited about male muses. Having gamely posited the existence of such beings, she starts to backtrack. "There is probably no biological reason," she ventures, "why a man can't provide the elements of inspiration"—the energy, the passion, the mental stimulation—that "nurture" female creativity. (The comical "probably" here makes it suddenly seem a bit dubious. Might men's jaws be after all too prognathous, their backs too hairy and repulsive, for them to be truly nurturing? Drat that testosterone!) And when you get right down to it, viable male muses seem to be fairly thin on the ground. One of the few Prose can come up with is Denys Finch Hatton, the aviator-lover of the Danish writer Isak Dinesen. Visiting Dinesen on her Kenyan plantation, Finch Hatton would nod approvingly whenever the cagey baroness read bits of her work aloud to him. Such obligingness made for some nice moments, no question. But in extolling their peculiar on-again, off-again relationship (twice) as "luminous," a miraculous example of Sensitive Hunk Inspiring Great Woman Artist, Prose seems to have been dazzled by memories of Robert Redford—golden, begoggled, scrumptious—boinking Meryl Streep in the film version of *Out of Africa*.

TRUE, PROSE SOMETIMES tries to beat the feminists at their own game. Contemplating the Farrell-Balanchine and Ono-Lennon pairings, she wonders why we never speak of Balanchine as Farrell's "muse" or of Lennon as Ono's. Both Farrell and Ono were accomplished women, she notes; each one was deeply and powerfully energized by her male partner. But once she gets to telling their life stories, such liberating thought-experiments do not count for much. Farrell will never shake the muse label, Prose asserts—and not simply because ballet

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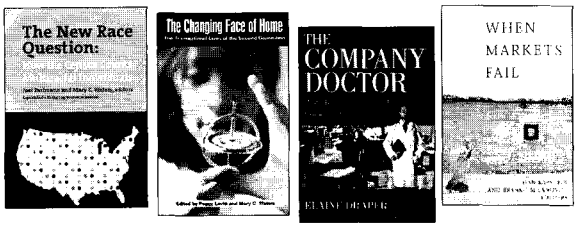

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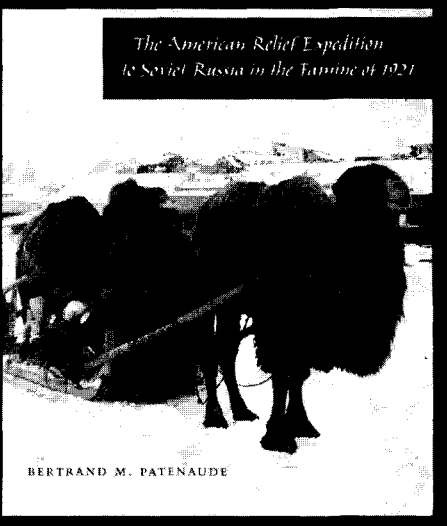
itself "is still so firmly rooted in the aesthetic and the language of the past." Balanchine himself, of course, liked to speak of his favorite ballerinas as his muses; they were the source, he claimed, of all his inspiration. ("Woman is the goddess, the poetess, the muse," he liked to intone; "that is why I have a company of beautiful girl dancers. I believe that the same is true of life, that everything a man does he does for his ideal woman.") Farrell—along with everyone else—seems to have accepted this mumbo-jumbo without demur. (A recent video about her life and career is called *Elusive Muse*.) But Prose, too, gets swept away by the numinousness of it all. To see film footage of Farrell in *Mozartiana* or *Don Quixote*, she enthuses, is to witness "a degree of submission and faith generally available only to saints and martyrs." Farrell is the most paradoxical sort of muse: one who not only inspires but "embodies" the work of the genius. Yet her own genius is visibly sublimated, as she gives herself over, mind and body, to the "god-like" vision of the man plotting her movements.

In Yoko Ono's case Prose is more subtle, but the male-muse idea is again discreetly jettisoned. Prose seems not exactly to grasp what made Lennon one of the giants of twentieth-century popular music, or how precious and powerful even his difficult, uneven, post-Beatles music must remain for anybody devoted to rock and roll. (Wasn't this woman ever a Beatlemaniac?) She dismisses his late recordings as spacy, self-parodying, and inauthentic—effects attributable, supposedly, to his clownish willingness "to play Ike Turner to [Ono's] Tina" and to having "carpetbombed his ego with opiates, speed, and psychedelics." But she cares even less for Ono's work. Prose may be right to complain that Ono's ululant vocals on the albums that she and Lennon made in the 1970s often sound more like "yowling" than singing—Yoko's musical talents were perhaps more hallucinated than real— but her rancorous view of Ono's drawings, films, and sculptures (currently on view across the United States in a traveling retrospective sponsored by the Japan Society) is strikingly uncharitable. Ono's Fluxus work is "abrasive," "irritating," and "unabashedly narcissistic," Prose adjudges, and critics who like it, such as Arthur Danto and Michael Kimmelman, have simply gulped down a big dose of "Zen Viagra." Having seen the show this week, along with a few thousand other San Franciscans and their children—all of whom, it must be said, seemed delighted by Ono's playful inventions—I think that Prose is wrong. One can only conclude that by discrediting the work,

The Big Show in Bololand



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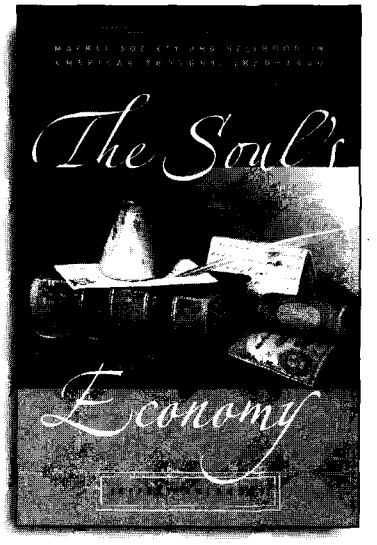

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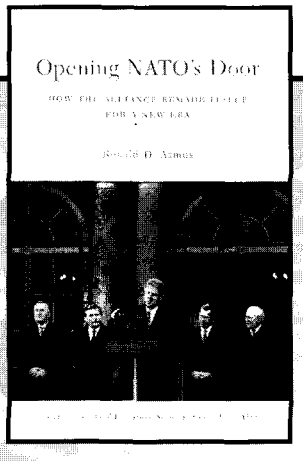
Prose wishes to discredit the view of Ono as a "real" artist. And if Ono is not a real artist, or so the subliminal logic seems to go, then we don't need to worry about whether she had a male muse in John Lennon. Whatever he was—a gullible loon from Liverpool?—she was certainly a poseur.

I mention these perturbations over male muses because they are symptomatic of Prose's disinclination to rock the boat. She is not really that interested in male muses—let alone lesbian, transsexual, equine, feline, or canine muses (nothing here on J. R. Ackerley's *My Dog Tulip*)—because she is far more invested in traditional heterosexual role-playing than she is willing to admit. Though the book's jacket copy grandly announces that Prose "[defies] the feminist stereotype of the muse as a passive beauty put on a pedestal and oppressed by a male artist," Prose is not fundamentally concerned with her muses' own creative lives. Far more compelling, in her view, is how each woman was "beautiful, sexy, or gifted with some more unconventional appeal"—some voodoo charm, presumably—that left her artist on fire with "an intensity of emotion akin to Eros." We are clearly meant to be awed by such world-historical witchery. "For these artists, the love of—or for—their muses provided an element essential for the melding of talent and technique necessary to create art." But one cannot help but notice that Prose ends up not-so-tacitly endorsing a view of female authority that is at once maudlin, reactionary, and in some cases (Yoko Ono, Charis Weston) wildly contemptuous.

WHICH BRINGS US back to Tina, professors, and the Norton Anthology. Cynical gestures aside, what clearly excites Prose most is the spectacle of a great man brought low (preferably to the point of humiliation or nervous breakdown) by a supremely erotic female. Aggressive siren-power is the goddess whom Prose worships, and her muses are successes to the degree that they are able to mobilize their charms in a devastating assault on masculine aplomb. To each of them the question posed is: tell me, muse, how *did* you do that voodoo that you did so well? And, as their mini-bios confirm, the answer is always the same: I was too darn hot!

This obsession with female spell-weaving explains, more than anything else, the oddly scrambled group of "muses" on display here. Witness the unpromising Hester Thrale. Samuel Johnson, as even Prose has to admit, is not the sort of writer we usually think of as having had a muse. (If anyone was, it was probably James Boswell.) Johnson met Thrale fairly late in his career; and while it is true, as readers of Beryl Bainbridge's *According to Queeney* will know, that she and her brewer husband nursed him tenderly when he suffered a severe mental breakdown in 1765, it is a stretch to say, as Prose does here, that she must therefore have "inspired" Johnson's later works. Though witty in company, Thrale was often fractious and preoccupied at the time of their friendship, no doubt because she was constantly pregnant by her somewhat oafish spouse and ultimately bore him twelve children, eight of whom died in infancy. Why, then, include her?

The answer—as Prose cannot wait to tell us—is that in one of her diaries Thrale refers to a mysterious "padlock" supposedly entrusted to her in secret by the great man just before his death. Some Johnson scholars—noting an odd addendum in his private papers that reads "*De pedicis et manicis insana cogitatio*," or "Insane thoughts about leg irons and handcuffs"—have speculated that the two shared some kind of sadomasochistic relationship. This surmise is all it takes for Prose to leap to imagining full-blown bondage sessions between them, with Mrs. Thrale cast in the role of a powder-wigged Betty Page. Enough evidence exists, Prose claims, to "suggest that the vocabulary of confine-



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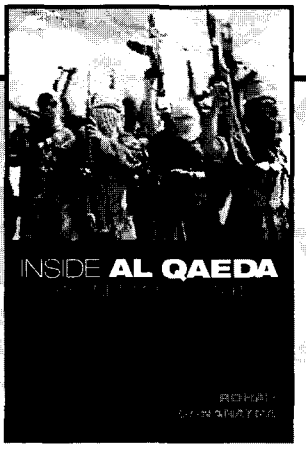

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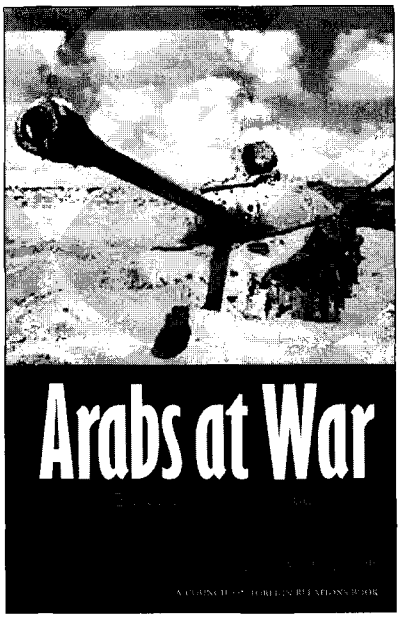
ment and slavery [in Johnson's letters] was neither metaphorical nor accidental." And she offers up some titillating tidbits from Thrale's diary of the 1770s: "'Says Johnson a Woman has *such* power between the Ages of twenty five and forty five, that She may tye a Man to a post and whip him if She will.'" In a marginal note, she added, "this he knew of him self was *literally* and *strictly* true I am sure." That winter, Hester wrote, 'How many Times has this great, this formidable Doctor Johnson kissed my hand, ay and my foot too upon his knees! Strange Connections there are in this odd World!'"

The point here is not so much to illuminate Johnson and Thrale's intellectual relationship, however interesting it may have been; it is to implicate them in a lurid triple-x "scenario" involving "high drama, loss of control, and restraint." Great Sam on his knees before Hester, it would seem, is a kind of artist-muse primal scene: the lascivious ur-image of male embarrassment that Prose will look for again and again—however oddly transmogrified—in all the pairings that she examines.

JUST ABOUT EVERY chapter in Prose's book turns—pruriently at times—on some episode of masculine abjection. In the section on Lewis Carroll and Alice Liddell, we learn first, by way of warm-up, how deeply Carroll was seduced when his seven-year-old "child muse" posed for his famous photographic portrait of her as the little beggar girl. "The look on the beggar child's face is one we associate with intimacy: the unwavering focus an adult woman might turn on a husband or lover." Then came the celebrated "golden afternoon," when the shy Oxford don, boating with Liddell and her sisters on the river, became so intoxicated by Liddell's nymphet charms that he had to start writing *Alice in Wonderland* in a mad, masturbatory rush as soon as he got home. (Prose carps about those who label Carroll a pedophile, but her own voluptuous disquisitions on his photography make him sound like a nineteenth-century Jock Sturges.)

Lizzie Siddal wove her spell over Rossetti, according to Prose, by looking weird and freaky and lamia-like: Prose compares the red-headed milliner's "discovery" by the top Pre-Raphaelite Brother to "the Cinderella star-is-born arc later associated with movie stars plucked from their earthy origins (Lana Turner, Schwab's drugstore) and installed in the Hollywood firmament." In a somewhat more active vein, Lou Andreas-Salomé—Nietzsche's tormentor and Freud's "great understander"—played the role of ultra-intellec-



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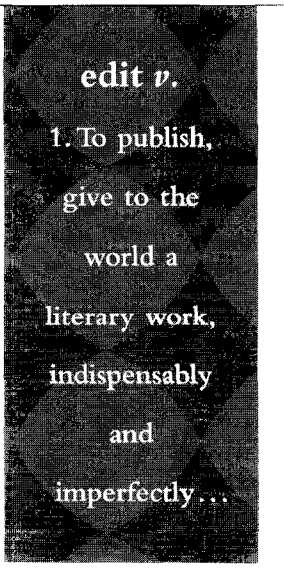

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tual cocktease: her favorite ruse was to set two great men in competition with each other, then refuse to sleep with either of them. As one might expect, Prose is captivated by a celebrated joke photograph from 1882 in which Salomé, leering out from behind a fake pony-cart in a Swiss photographer's studio, waves a riding crop over the heads of Nietzsche and his friend the poet Paul Rée, both of whom were in love with her at the time. Forced to imitate a pair of depressed dray-horses, the men look utterly mortified, especially the droopy-mustached Nietzsche. While "bossy Lou" brandishes the whip, the great philosopher gazes off into the distance in a state of deepest *über*-doofus misery.

Prose is not clear what ghastly sexual noumenon Gala Dalí possessed, but it must have been considerable, because Salvador (as García Lorca exclaimed in shock when he heard the artist had fallen in love with her) had until then been exclusively homosexual and could "only get an erection when someone [stuck] a finger up his anus!" Charis Weston, a lissome California teenager, managed to seduce the forty-eight-year-old Edward Weston while modeling nude for him: the sheer "erotic heat" between them made them "see their lives as a holy mission for which they [had] been divinely hand-picked and brought together." As for Yoko Ono—she of the Zen Viagra—she exerted such an exotic sensual pull on the hapless Lennon that there were "whispery accusations of witchcraft, rumors that the Lennons, in later years, did little to dispel by dabbling in Santeria, patronizing local botanicas and sketchy Colombian *brujas*."

Granted, in the chapter on Lee Miller—whose brilliant, scarifying photographs documenting the collapse of Nazi Germany in 1944-1945 she obviously admires—Prose makes an attempt, however briefly, to separate the woman and her accomplishments from the sex life of the muse. (Miller's chill, intransigent self-possession—she was one of the first reporters into Bergen-Belsen—seems to cow Prose into discomfited respect.) But even here it is the sadistic way that Miller played the role of cold blonde love goddess to a series of infatuated male acolytes—Man Ray, Cocteau, Horst, George Hoyningen-Huene, and Roland Penrose—that really gets Prose going. She turns squirmy and triumphal, indeed, just thinking about Miller and *Observatory Time*—Man Ray's famous surrealist painting of a pair of giant female lips floating over the observatory in the Luxembourg Gardens. The "enormous, undulating lips" in the picture, she notes, were directly modeled on Miller's, "each lip resembl[ing] a body pressed against its mate." Man Ray was obsessed with the ball-busting Miller to the point of suicidal anguish, and sometimes he photographed her—as if in self-defense—made up like an "evil geisha." Prose rhapsodizes like a dreamy schoolgirl while recounting the artist's despair when Miller finally dumped him (after three years of "resolute" infidelity on her part) in 1932: "Man Ray reworked the canvas until 1934—to get the lips just right. In the lives of the muses, little equals the heartbreaking, operatic excess of a depressed, suicidal artist spending two years of his life painting, rubbing out, and repainting the mouth of the muse who had abandoned him."

So goes the life of a muse and her plaything. There is a kind of just-between-us-gals oohing and ahhing in all of this—a compensatory glee over just how delightful being a muse can be. Sexual power, however transitory, is presumed to make up for any loss of self-esteem that a woman might feel at being reduced, if only by a disgruntled lover, to a pair of blimpish red lips. (Each time Prose referred, gossip-columnist-style, to a given muse and "her artist"—she does so fairly often—I found myself thinking mournfully of Chandra Levy boasting to her aunt over the telephone about "her man." He was buff for

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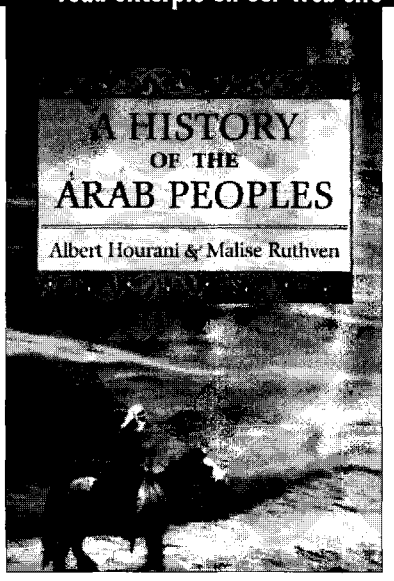

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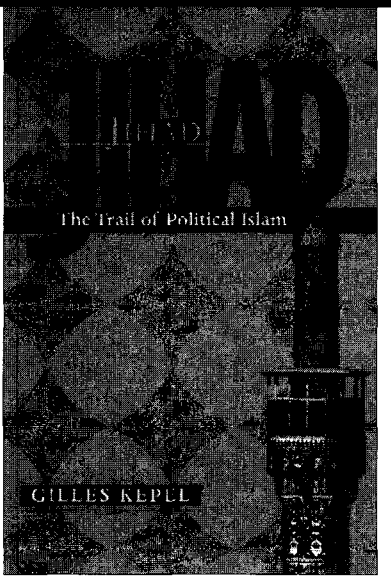

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his age—at least according to what I read in *The National Enquirer*—and keen on motorcycle riding.) Being all-star booty is exciting, Prose implies, even if it doesn't last long or if you end up dead or in a mental hospital. If forced to choose between being Rose Beuret, Rodin's faithful housekeeper-turned-wife of many years, or Camille Claudel, the glamorous lover-rival who after her affair with him went mad and spent the rest of her days in a lunatic asylum, who would not—Prose asks pointblank—choose to be the sexy Camille?

I MAKE *The Lives of the Muses* slightly more silly-sounding than it is, even if it is hard to imagine Dick Cheney taking time off from affairs of state to ponder whether he would rather be Rose Beuret or Camille Claudel. Prose is always an amusing writer, and especially if you are unfamiliar with the tumultuous personalities described herein, you will find a lot to entertain. (The chapters on Liddell, Farrell, and Ono are particularly absorbing, even when one disagrees with Prose's conclusions.) But as far as delving into "the mysteries of Eros and creativity" goes, the book is strictly a Lives of the Muses Lite. Indeed, perhaps even because of the fixation on libidinal themes, it may prompt a deeper kind of readerly mutiny—one having nothing to do, finally, with men and women or their sex lives.

Prose believes in muses, of course: why else write about them? But one might reasonably ask if such beings have ever existed at all—at least in the way we like to imagine them. One of the most unsettling things about the Muses of antiquity, as Prose notes in her introduction, is how fantastically cruel they were to those luckless mortals stupid enough to try to rival them. In one old story, when the bard Thamyris boasted about his singing and lyre playing, the Muses promptly challenged him to a music contest, then blinded him and took away his memory when he lost. After losing a similar competition, the proud Pierides, the singing daughters of Pierus, got turned into a flock of magpies. And when the satyr Marsyas bragged that he could play the flute better than Apollo, the Muses—as Titian's terrifying painting commemorates—sentenced him to be tied to a tree and skinned alive.

These grisly Muse-doings, Prose concludes with a little shrug, show that "sadly, as is so often the case, art failed to make the Muses nicer." But the ancient fables may also suggest more painful truths. What such stories intimate, quite baldly, is that far from being the helpful or inspiring presences we usually assume them to be, the Muses are in fact jealous, mean, and obstructing—hostile forces deeply inimical to human self-expression. Instead of rewarding the artist, they punish him. To challenge them at their own game is to perish.

The myths of the Muses hint that in fact there may be a profound sentimentality in our conception of the artistic process itself—in our belief that creativity "comes from" or can be "nurtured" by someone else. Might not true creativity depend, rather less comfortably, on getting away from the influence of other people, on blocking out other people and the various psychic obstructions and inhibitions that they represent? The Muses, in this view, would be merely mythic stand-ins for all those individuals in our lives who try to stop art: jealous parents and siblings, ambivalent lovers and spouses, mediocre teachers and contemptuous rivals, philistine readers and reviewers—all the inane, stultifying embodiments of tradition, morality, "family values," and the good of the state. We have to get away from them or we will die.

The poet's traditional "invocation" to the Muses would take on a new meaning in this context, becoming more of a ruse—a kind of propitiatory scam: I'll pay lip

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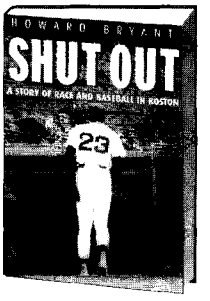

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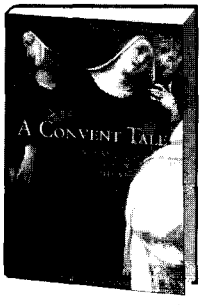

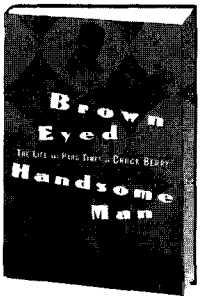

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service to you if you leave me alone and let me do my work. Invoking the Muses would be a way of outwitting—and outliving—them. The Muses, after all, are pretty dumb. Give them a compliment and perhaps they will go away and start beating up on someone else.

This is not to say that another human being cannot model the process of getting free and making art, or show one, like a good coach, how to begin breaking loose from one's own customized set of psychic fetters. But the person who models the freedom of art is typically someone with whom one is *not* deeply intimate. More often than not, it is someone at a distance, with whom one does not share (contrary to Prose's view) "an intensity of emotion akin to Eros." According to this way of thinking, Picasso's principal inspirations were Velázquez, Manet, Cézanne, and Matisse, not Olga Kokhlova, Fernande Olivier, Jacqueline Roque, and Dora Maar.

We love the idea that art grows from an intimate (and usually sexual) alliance between a man and a woman—perhaps because we are, as human beings, created thus. But it may be that at the deepest and harshest level art is a work of singularity and solitude. The artists in Prose's book may have created not because of their muses but in spite of their muses. The kind of muse whom Prose describes, after all, is supremely replaceable. Had Alice Liddell never been born, there would undoubtedly have been another little Oxford girl for Lewis Carroll to photograph and swoon over; had Lou Andreas-Salomé stayed in Russia, Rilke would still have composed the *Duino Elegies*; had Suzanne Farrell never made it to New York, George Balanchine would yet have found such gifts, uncannily embodied, in someone else. Miraculous as it seems, creative genius always finds what it needs, even in the most dull, untoward, or impoverished circumstances.

And perhaps this is why discussions about male muses versus female muses and so on always seem so pious or pointless: there is something just plain wrong with the muse idea itself. Creative people, it is true, often say nervous, self-abnegating, pseudo-reverential things about the sources of their inspiration. Asked how he wrote his poetry, Philip Larkin would speak gloomily of "the Management upstairs." The best-selling romance writer Barbara Cartland couldn't do a thing, she claimed, without divine help: "I say a prayer and God gives me a plot immediately. I write almost as if it was dictated by him." But such comments seem more like superstitious feints than accurate reporting. As most writers and artists know, art erupts when you fly in the face of divine beings—when you start mocking and jeering, deep down inside yourself, at your own Very Important People. It has little to do with who you sleep with, or indeed with the people you love most painfully or passionately. It's strictly a matter of do-it-yourself—shut the door, sit down, unplug the phone, and get on with it. ■

Rebel, Rebel

By LARRY MCMURTRY

Jesse James: Last Rebel of the Civil War by T. J. Stiles

(Alfred A. Knopf, 510 pp., $27.50)

PEASANT REVOLTS ARE usually bloodier than they are funny, but a funny one occurred in Normandy in 1972, when seven hundred peasants woke up the French actor Jean Gabin to complain that he was hogging too much land—some six hundred acres at the time. In vain did Jean Gabin—once more or less the face of France—argue that he had earned his acreage; after a vigorous debate he agreed to lend half of it. It was lucky for Gabin that he got too big for his britches in Normandy rather than in Missouri, and in 1972 rather than 1872, the heyday of Jesse James. In Missouri there would have been no peasant council, just a bushwhacker with a pistol, possibly Jesse James himself.

I mention Jean Gabin's difficulty because T. J. Stiles, after carrying the reader scrupulously through Jesse James's violent, violent life, bumps in his concluding pages into Eric Hobsbawm's much-disputed theory of social banditry, a notion first elaborated in a book called *Social Bandits and Primitive Rebels* (1959). The concept resurfaces a decade later in a simpler Hobsbawm book called merely *Bandits*, in which Jesse James comes in for rather sketchy mention. In Hobsbawm's view, social bandits emerge from rural, pre-capitalist peasant societies, and they champion peasant needs in conflicts with the lord or the state. They can be understood only in the context of peasant society, and as proto-revolutionaries.

This theory may work well when applied to the haiduk of Bulgaria or other European rebel groups, but its application to American bandits caused several historians to raise their voices in protest. Hobsbawm evidently knows a good deal more about Bulgaria than he does about Missouri, then and now a hotbed of capitalist energies, where there were no peasants to champion, even had Jesse James been so inclined. There were certainly slaves who needed help—six at least in the James household; but Jesse was very far from wishing to champion slaves. In fact, he spent much of his short life trying to kill people who wanted to help the slaves. Even in the late 1870s, when the end was in sight and the violence that he had dispensed was less and less susceptible to any military interpretation, Jesse rushed with his brother Frank and the Younger boys into the catastrophe of the Northfield, Minnesota raid largely because he wanted to rob a bank in which the Union hero and strong civil rights proponent Adelbert Ames had his money.

As this patient biography makes clear, violence came to Jesse James more or less with his mother's milk. He was born in Clay County, Missouri, in an atmosphere of sectional conflict. His father died in the California gold rush; one stepfather was hanged in the backyard, although not fatally; his thrice-married mother Zerelda was no pacifist. From the late 1840s to the mid-1870s, Missouri was one of the most violent places in America, neighbor fighting neighbor, often over the issue of slavery. And Lee's surrender to Grant had no effect on this regional violence.

When Stiles, in his subtitle, calls Jesse James the "last rebel of the Civil War," he correctly defines the theme that ruled Jesse's life. From the age of fifteen on, he saw himself as a Confederate; he always looked South. In western Missouri, where he raided and fought, the Civil War was

LARRY MCMURTRY's most recent novel is *Sin Killer* (Simon and Schuster).

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no mere four-year affair. Even as late as ten years after the surrender Jesse felt enraged because so few people were willing to go on fighting. His war was a partisan war, his life a partisan life, a matter of small skirmishes, twenty men here against another twenty men there. He never saw the devastation of Richmond or Atlanta, never felt the force of Grant or Sherman. The pro-slavers and the abolitionists had been fighting in Missouri since the 1840s, and the Emancipation Proclamation did not end it. The sociologist Lonnie Athens speaks of a process of "violentization" in which people see so much killing that finally only the ability to kill seems worthy of respect. My own Missouri-born grandparents lived not far from where James lived, in his time. After the conclusion of the Civil War they waited a few years, hoping that the killing would die down, but it didn't, and so they packed up and moved to Texas.

The face of the dust wrapper of Stiles's book—Jesse James at sixteen, during his first summer under arms—is the face of a true believer. What Jesse believed in was the Confederate cause, and he allowed no hint of moderation to temper his commitment, his anger, his thirst for revenge. In 1864, he rode with Bloody Bill Anderson and Archie Clement, men as vicious as any who ever fought on American soil. Bloody Bill seems to have been a small-scale American version of the terrible Baron Ungern-Sternberg, who ravished Mongolia and the Soviet Far East after World War I. Jesse James was with Anderson when the Centralia Massacre took place. Twenty-four unarmed Union soldiers were taken off a train, shot, and mutilated, with others treated just as badly in the town itself. Both Anderson and Clement frequently scalped their victims. In his eagerness to avenge Bloody Bill's death, once he had been ambushed, Jesse rushed into Gallatin, Missouri and promptly killed the wrong man, a pillar of the community named John W. Sheets. It was not the last time that he would kill inaccurately, and in haste.

From the mid-1860s on through the 1870s, Jesse had the help of a propagandist, a former Confederate major named John Newman Edwards, who switched to journalism and did all he could to promote Jesse as a kind of rebel knight errant. I own a dime novel, not written by Edwards, called *Jesse James Knight Errant or the Rescue of the Queen of Prairies*, in which Jesse performs many casual heroics in a place called the Vale of Pecos. Edwards's propagandizing consisted in the main of attempts to make Jesse's robbing and killing the legitimate responses of a patriot to Southern grievances. His efforts were greatly helped by a blundering Pinkerton raid in 1874; Jesse's mother lost an arm, but eight-year-old Archie, her pet child, lost his life. After 1875, however, it became increasingly difficult, even for a skilled propagandist such as Edwards, to put a convincing political spin on Jesse's raiding. Missourians, having endured some thirty years of Afghan-like violence, were tiring of it. Jesse's claims rang ever more hollow. His loyal younger brother Frank would rather have spent his time farming, and even Jesse's patient wife Zee hankered for a little peace.

COURTESY ALFRED A. KNOPF

Jesse James, circa 1863

In 1880 Thomas Crittenden, a Unionist Democrat, was elected governor of Missouri, and much of his inaugural address was a declaration of war on the outlaws. He persuaded the railroading interests that banditry was costing them money. Almost immediately Jesse played into the governor's hands by robbing a train and killing the conductor—one of his few killings that was probably accidental. The railroads immediately ponied up: Crittenden was soon able to offer a $10,000 reward for both Jesse James and Frank James, dead or alive. The Ford boys, Robert and Charley, saw their chance. They ingratiated themselves with Jesse, waiting patiently if nervously for a moment when he might be unarmed. It came on a hot day in April 1882, when Jesse threw off his coat, vest, and gun belt and stepped up on a chair to dust a picture. Bob Ford immediately killed him with a shot to the head.

Bandit biography has always been a taxing genre, in which every assertion is sure to draw many challenges. How much did Henry Fielding get right when he wrote his book about the highwayman Jonathan Wild? Newspapers always devote lavish coverage to the exploits of bandits, but how much bandit journalism is really accurate? When gun battles happen, legend encrusts the corpses before they are even cold. Who can say with absolute precision what was the sequence of events in the shootout between the Earps and the Clantons at the O.K. Corral? Inevitably there will be pretenders, claimants, even denials that the outlaws are really dead. More than a century after Bob Ford shot Jesse James off that chair, DNA testing confirmed his death—but there were some who still believed that he had died some years earlier, in Denton County, Texas. Butch Cassidy might have ended his days in Spokane, Washington, rather than in Bolivia; the Sundance Kid may have made it back to Idaho. Some citizens of Hico, Texas believe that Billy the Kid fooled Pat Garrett and enjoyed a long dotage in their community. Meanwhile Billy's headstone, in Fort Sumner, New Mexico, has been stolen at least twice.

Gun battles and robberies are often disorderly affairs: it is not easy for even a careful historian to determine who shot whom. Stiles is rightly cautious on this score. James wrote a famous letter to the *Kansas City Times* on a matter close to his heart: uncooperative bank employees. "A man who's a d.... d enough fool to refuse to open a safe or a vault when covered with a pistol ought to die," he reasons; and he goes on to expand on those sentiments. Does this allow us to conclude that it was Jesse who killed the honest but uncooperative banker Joseph Heywood in Northfield, Minnesota? I feel sure that it was Jesse, but "almost certainly" is as far as Stiles will go—and either conclusion will probably cause this magazine to receive impassioned letters defending the opposite view.

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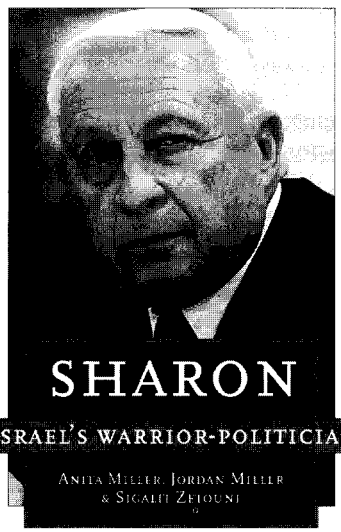

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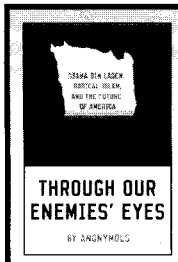

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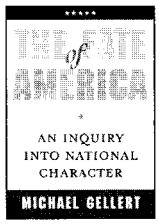

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In the hierarchy of American outlaws—if one judges solely on the extent of their bibliographies—Billy the Kid is still far ahead of Jesse James. Billy died without knowing who killed him and slid right into myth. Jesse's immense popularity in his native place—a place with a good deal more social and political density than Billy's New Mexico—owed much of its potency to the intense regional resentment of Yankee power. But Jesse James was no Robin Hood; nor was he even nice. Yet he certainly was defiant, and in the Missouri of his day, defiance rocked. ■

Paths of Dependence

By ALAN WOLFE

The Divided Welfare State: The Battle Over Public and Private Social Benefits in the United States by Jacob S. Hacker

(Cambridge University Press, 384 pp., $23)

Transformation of the Welfare State: The Silent Surrender of Public Responsibility by Neil Gilbert

(Oxford University Press, 208 pp., $29.95)

DEBATES ABOUT HOW retirement ought to be financed or health care provided are nowadays dominated by economists and policy wonks, but they were once the province of moral philosophers and theologians. Against Gradgrindian visions of utilitarianism or Social Darwinism, advocates for an expanded welfare state, from Britain's Richard Titmuss to Sweden's Gunnar Myrdal, were not revolutionary in their tactics—they were in fact reacting against the radicalism of those to their left; but they were pathbreaking in their objectives. Their aim was to replace the political economy of laissez-faire with new conceptions of human nature (altruistic), citizenship (social rather than political), purpose (equality), justice (distributive), and teleology (fulfillment).

Conceptions of human purpose, accompanied by a realistic plan to achieve them, are rare breakthroughs in thought and action. Since the late eighteenth century, there have been only two such breakthroughs, one based on the market's promise of efficiency, the other on the state's commitment to equality. (Advocates of the "third way" have not yet made a convincing case for an alternative, which is one reason why, in reaction to the current crisis of the welfare state, the most attention-grabbing response is still the one initiated by Adam Smith in 1776.) The intellectual and activist creators of the welfare state deserve at least this much praise: they understood the magnitude of their task and they mobilized the political forces necessary to achieve it. Their greatest success was in Europe, particularly in Sweden, where the Social Democratic Party held power for much of the post–World War II period. As the historian Peter Baldwin wrote, "Sweden under the Social Democratic reign was the welfare Mecca that all other nations were striving toward or reacting against."

If Sweden was the leader, the United States was the laggard. True, the emergency of the Great Depression, combined with the political brilliance of Franklin Delano Roosevelt, gave America our system of Social Security and the first stirrings of a welfare program designed to assist those in poverty. But the only significant additions to the American welfare state since then were confined to the few years during the Johnson administration that witnessed the passage of Medicare and Medicaid. Otherwise American politics has been the graveyard of ambitions for social provision, especially in the area of health care. The failure of the Clin-

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ton administration to win any version of health care reform, along with the ascendancy of the Bush presidency intent on cutting back tax revenue and privatizing Social Security, seems to mark the end of whatever welfare state the United States created.

In contrast to Sweden, then, America is hardly a mecca, but its commitment to a relatively limited role for government in the provision of social welfare is rapidly becoming a worldwide model. Britain, of course, had its Thatcher just as we had our Reagan, and now that Labour is once again in power, its leader is conspicuously silent on any plans to return to the days of public housing and an ever-expanding National Health Service. Even the Scandinavian countries have joined the trend: workfare is now a feature of Danish politics, and Swedes can select private investment accounts for a small portion of their public pensions. Whatever is happening to the welfare state is not the result of the particular politics of any one country. Across all of Europe and North America, the social-democratic century has come to an end. Solidarity, social citizenship, the gift relationship, and the difference principle—all of them representing formulations of the idea that all who live in a society are obligated to insure the welfare of everyone else—are terms bandied about in academic circles, but they no longer make much of an appearance in real politics.

THE PASSING OF the welfare state is a subject in dire need of serious thinking, and two impressive books devote themselves to the task. Jacob S. Hacker, a young political scientist, has turned his doctoral dissertation into an ambitious theoretical enterprise designed to explain why the American welfare state developed the way it did. Neil Gilbert, a professor of social welfare at Berkeley, has written a shorter and less theoretical book than Hacker's. Each tries to explain the significance of a development that seems to fly in the face of the welfare state's rationale: the growing reliance on private provisions for what were once understood as public functions, such as the use of tax credits or vouchers that permit individuals to choose from various service providers or the efforts to mandate business firms to provide pensions and health insurance.

Private provision characterized the American welfare state from the beginning, as Hacker's account demonstrates. Some private companies, such as the freight forwarder called American Express, first offered pensions to their employees as early as 1875, but the relative paucity of such efforts—less than ten percent of the American workforce was covered by a private pension throughout the 1930s—gave the Roosevelt administration its chance to pass comprehensive legislation. Typical of the politics of the New Deal was the debate over the Clark Amendment, named after the conservative senator Champ Clark of Missouri. Under its terms, any firm that provided pensions to its employees could "opt out" of Social Security, thereby undermining the program's universality. Roosevelt was opposed, and the amendment was defeated. Business calls many of the shots in American politics, but it did not call this one.

Still, Social Security never became a replacement for private pensions. The program was limited to those who paid taxes into the system. It was defended as an insurance program rather than as a benefit. One law passed by Congress in 1939 removed private pensions from wages, thereby excluding them from the Social Security tax, while another in 1942 enabled companies to reward their better-paid employees by supplementing their governmental pensions with private ones. "By 1960," Hacker writes, "a two-track system of organized retirement protection had been firmly institutionalized in the United States." For roughly half the workforce, private pension programs developed by employers gave employees the prospect of a modicum of economic security in their old age. For the other half, Social Security offered some protection, but generally not enough to live on. Later policies, such as IRAs and 401(k)s, which were not seen as major innovations as the time of their passage, contributed to a situation in which better-off workers found themselves with more commodious retirement prospects than the less well-off.

HEALTH INSURANCE DEVELOPED along similar lines in the United States, except that there never was a commitment to public provision as secure as the one represented by Social Security. As if they had learned a lesson from their defeats by Roosevelt during the New Deal, opponents of a national system of health insurance recognized early that private provision would undermine the appeal of publicly funded efforts. Demands for national health insurance came during the Truman administration, roughly ten years after Social Security had already passed, and by that time two-thirds of America's largest firms already had health plans (compared to the four percent who had company-sponsored pensions in 1935). The political effects of this relatively widespread coverage could

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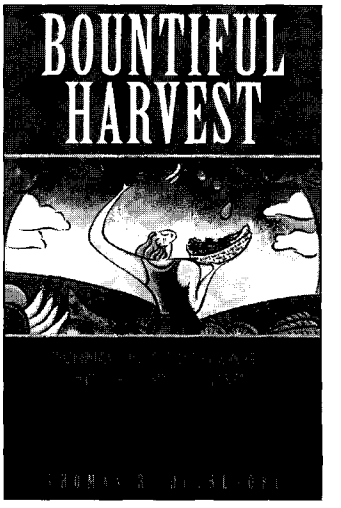

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be seen in the Revenue Act of 1954, which exempted private health care benefits from federal taxes. The Congress of Industrial Organizations, which ordinarily would be expected to line up behind a system of national health insurance, realized that the interests of its members would be best served by protecting private programs and supported the tax exemption. Without a significant push from the left, the way was clear for the American Medical Association to attack national health insurance programs as socialized medicine, which it was only too happy to do. As Hacker points out, indirect public support for private programs, such as exempting them from taxation, turned out to be an expensive proposition for the government to undertake. But no one projected the costs of, or indeed developed a rationale for, this rather odd way of financing the welfare state.

If national health insurance failed to become a reality in the 1940s, when elements of the New Deal coalition were still alive, it was even more unlikely to win support as the political impact of the Great Depression and World War II receded. Reformers hoped that a smaller program such as Medicare might lead the way toward a more comprehensive system of national health insurance, but that never occurred. Instead Medicare created a policy hodgepodge: physicians were given a blank check to charge the government, inflating costs; drugs (an important component of care for the elderly) were left out of the program; and interest groups such as the AARP developed stakes in the policy that complicated further reform efforts. If nothing else, the failed Clinton efforts revealed how truly complicated the system of medical insurance in the United States had become. Rather than representing a philosophical commitment to the principle that no one should be victimized by misfortune, health insurance policy in the United States, like pension policy, provided fairly good coverage for those already blessed in life and bad to non-existent coverage for those hardest hit.

GILBERT'S BOOK CONTINUES Hacker's story by shifting the focus to Europe (as well as Canada, Australia, and New Zealand). Privatization was never as extensive in other countries as it was in the United States, but it would be wrong, Gilbert emphasizes, to view the American model and the European model as incompatible. Especially in Scandinavia, welfare-state reformers argued that only through public provision could the goal of universality be met; if one person was entitled to a pension or to health care, everyone should be. Yet in reality universality is an impossible objective. One example is provided by publicly funded day care, one of the most ambitious ventures in Europe (and one never seriously considered in the United States). It costs roughly $11,900 per year to provide a Swedish child with proper day care, a considerable benefit to families with young children. At the same time, that amount is also a subsidy provided by those who do not use day care, including families with young children in which one parent chooses to stay home. Inevitably, even "universalistic" welfare states make decisions that provide benefits to some and impose costs on others.

As the implications of such selectivity became more obvious to taxpayers, and as the programs themselves became more expensive, European welfare states found themselves privatizing more of their programs. Only Finland has not used private pensions to support public ones. Reliance on means-testing has grown in both Holland and Sweden since 1980. Statutory retirement ages have been raised across Europe to reduce the amounts that governments spend on pensions. Encouraging people to enter the workforce is by no means the exclusive property of American welfare reform; commitments to work have been expressed in Denmark, Britain, Finland, France, the Netherlands, New Zealand, Norway, Sweden, and Australia. For-profit providers of long-term care were not permitted to accept public funds in Germany as recently as the mid-1990s; now that country has witnessed what Gilbert calls an "extraordinary increase" in their use. In 1991, the Organization for Economic Cooperation and Development urged that "the welfare system should be refocused and made less generous in terms of eligibility and benefits." In one way or another, every advanced industrial society has followed that advice.

Gilbert has important things to say about this retrenchment. The idea that means-testing will result in stigmatizing the recipients of benefits, he points out, "rests on not a scintilla of evidence." If anything, most people believe that, in the name of fairness, benefits should go to those who need them most, which can be determined only by asking people about their income. Nor should the shrinking of the welfare state be understood as an attack by the right on programs favored by the left. In reality, welfare programs such as day care and pensions have favored the middle class, many of whose members are conservative in their political views; and at least some

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of the criticisms of the welfare state have come from leftist intellectuals who believe that it buys off potential constituents for protest. Moderate in his ideology and judicious in his scholarship, Gilbert is no friend of laissez-faire, because the market, as he well understands, is good for encouraging some virtues such as efficiency but has never been associated with others such as caring. But nor is he one of those writers determined to defend the welfare state against each and every critic. He concludes that the welfare state will survive, but that its purpose will not be one of insuring security but one of enabling people to develop the skills necessary for autonomy.

As European and other non-American welfare states lose their innocence and begin to rely more on private means, America no longer looks like a laggard. Hacker calculates that when private benefits are added to public ones, there are no substantial differences between the United States and its close cousins in the amount spent on welfare; his figures show that the United States ranks higher than Ireland, Canada, and Australia when both kinds of benefits are considered and just below Holland and Denmark. This is not to say that differences between welfare states have been abolished, for public provision still retains elements of solidarity and equality that private provision does not. Still, as Gilbert points out, the differences between welfare states increasingly resemble what Freud laconically called the narcissism of small differences. Communism was overthrown quite dramatically in 1989. Less dramatically, but more important, social democracy crumbled around the same time. We are unlikely ever to go back to the untrammeled laissez-faire of Dickens's England; but we are also not likely to be hearing arguments to the effect that the correct public policies can usher in a new era of human dignity.

Hacker in particular, but also Gilbert in his way, wants to do more than describe the welfare state's troubles. Each seeks an explanation. Hacker finds his explanation in history. A public program such as Social Security creates a constituency—I mean the elderly—which then develops an interest in protecting the policy. The same is true of private actions, especially when they receive indirect support through tax advantages or subsidies: advocates for private pensions secured enough of a foothold in the system created during the New Deal to prevent any significant expansion of public pensions in the years that followed. In terms that have become

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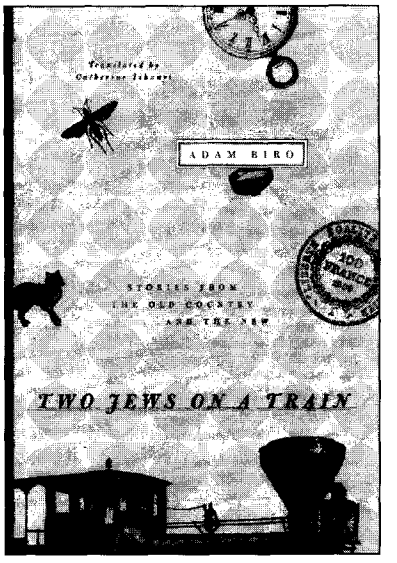

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increasingly popular in political science, policy creates politics and not just the other way around. Whenever government acts in the present, it influences how government will act in the future. As Hacker puts it, "By pushing policy development down a particular historical path, a policy passed at time T1 may significantly change the range of possible options at time T2."

All this sounds reasonable enough. Indeed, it has for years been the conventional wisdom of historians, who frequently chide social scientists for their lack of interest in the past. But Hacker is not content simply to leave his readers with the lesson that history matters. Instead he proposes that the story of the welfare state illustrates the power of what he, following other social scientists, calls "path dependence." According to this way of thinking, those who develop policy rarely if ever have blank slates. Just as Marxists argue that individual actions are constrained by structures, theorists of path dependence emphasize the degree to which our choices are limited by the choices made by those who came before us.

The great advantage of path dependence, in Hacker's view, is that it forecloses functionalist explanations that view "policy configurations" as "optimally tailored to current conditions by political agents." For too long, he believes, debates over the welfare state have been dominated by discussions of whether such programs serve the long-term interests of the capitalists or represent real progress on behalf of workers. From the standpoint of path dependence, they do neither. Path dependence gets one away from thinking teleologically in favor of thinking geologically. One comes to appreciate how contingent our institutions really are. Phenomena such as the welfare state are characterized, in an almost evolutionary manner, by complex traits fashioned at different times and in different ways in the course of their development.

Its advocates promise that the theory of path dependence offers an approach to the study of policy that explains more than we would know if we examined only contemporary events or treated history as a just-so story. Alas, this promise remains unfulfilled, at least in Hacker's book.

Although the private side of the welfare state has been studied by many (including Gilbert, whom Hacker cites), it is important to recognize that decisions not taken can be as important to the development of policy as decisions taken. Hacker is particularly good at explaining how nondecisions and decisions interact. His discussion of one particular example, the Employee Retirement Income Security Act (ERISA) of 1974, is exemplary in this regard. Designed to promote equality by enabling people to take pensions with them from one job to another, ERISA was ultimately unable to overcome the dual system of pensions created by America's mixed system and wound up as a brief and not very successful interlude in an otherwise conservative story. The problem is that path dependence is not required to make this case; all that is required is intelligence. The strengths of Hacker's approach stem from the exhaustive historical research that he undertook, his mastery of detail, and his clarity of presentation, not from his theoretical asides. If all the talk of path dependence in *The Divided Welfare State* had been deleted by a ruthless editor, the book would have been just as valuable and considerably shorter. And it would have been better written, since the more theoretical Hacker tries to be, the more turgid his writing tends to become.

Theory ought to help us to understand the present and to predict the future, but when it comes to contemporary debates about Social Security and health insurance and where they might lead, path dependence is worse than useless. Will President Bush succeed in his efforts to privatize Social Security? Hacker, rightly, cannot leave the issue alone, for anyone concerned with the future of the welfare state ought to address the plans for Social Security floating around Washington these days. Yet finally the theory of path dependence gives him little or nothing to say. On the one hand, he reminds us, our previous reliance on private benefits makes it understandable that Bush would propose such a course of privatization; if anything, the dependence of the present on the past suggests that Bush's plans ought to succeed. But, Hacker goes on to note, Social Security as we know it has its defenders and has proven itself extremely resistant to change, so maybe they will fail. The conclusion offered by Hacker's efforts to apply systematic theorizing to such a burning issue, then, is that the United States may go in one direction or it may go in another. To offer his readers more than platitudes on this question, Hacker would have been better off talking about such real-world events as the stock market decline, the failure of Republicans to rally behind Bush's plan, and the decision of the Bush administration to shy away from a term like "privatization" that it once endorsed. Only then does it become possible to conclude that Social Security, for the foreseeable future, is safe.

Hacker recognizes that the theory of path dependence is not a deterministic theory claiming that certain courses of action are inevitable. That is why he adds to the concept of path dependence the notion of "critical junctures." These are the moments when new policy avenues open up, thereby starting new paths. The present period certainly seems to qualify as such a critical juncture, for if European and American welfare states are increasingly resembling each other, then both have departed from the paths upon which they embarked in the 1930s and 1940s.

Unfortunately for Hacker, path dependence cannot explain why critical junctures—the rest of us call them changes—happen. The theory, in fact, seems doubly wrongheaded. Not only does it fail to grasp the realities of the American situation, it also concentrates our attention in the wrong direction as we try to understand Europe. Welfare states created by broadly based political coalitions built on middle-class voters around which powerful interests have been formed ought to be resistant to any efforts to cut back benefits; but the Scandinavian welfare states, which should be exemplary models of path dependence, are changing radically. Gilbert quotes one observer who describes the Danish version of those changes as a "paradigm shift" in social policy. Of course one can account for changes of this magnitude by adding to path dependency the idea of a critical juncture. But why add to one theoretical abstraction another that amounts to its exact opposite? And why begin with the theory that has the least relevance to the situation at hand and move backward from there? As one might expect from an approach that refers to the past as "T1" and to the present as "T2," path dependence offers the illusion of theoretical elegance rather than the reality of it.

Neil Gilbert feels no need to offer systematic theories or grand explanations, which is one reason his book is so much more persuasive than Hacker's. In his view, which is more implied than stated, policy-makers are essentially pragmatists seeking to achieve what is achievable. Once they realized that public support for the welfare state was decreasing, leftist politicians such as Tony Blair simply moved where the votes were, trying to save as much as they could of the welfare state by adopting some of the criticisms offered by the right. As much as policy informs politics, in Gilbert's view, it is still the case that politics shapes policy. And the most important thing we know about politics is that its outcomes are never predeter-

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mined; if they were, we would not have politicians. By refraining from theoretical explanation, Gilbert says something valuable about a social reality as complicated as the welfare state: that its development, as is true of any human institution, is anything but geological. Social reality, ever complicated and ambiguous, does not evolve through seemingly predictable rules of social evolution for the same reason that it cannot be explained by social interest. The best that the observer can do is to understand a particular situation in all its complexity (which, by the way, Hacker, as well as Gilbert, does). Any theoretical musings beyond that serve little or no purpose.

IF THEORY—if that is the right term to describe such fashionable approaches in the social sciences as path dependence and rational choice—does little to serve reality, it evidently does a great deal to serve other needs, particularly academic self-importance. Jacob Hacker is that rare academic whose doctoral dissertation has been transformed into his second book. His first book, *The Road to Nowhere: The Genesis of President Clinton's Plan for Health Security*, appeared in 1997, and it was widely and rightly praised for the quality of its analysis of the Clinton debacle. Hacker interviewed many of the key players involved and consulted huge numbers of documents that had been released under a court agreement. Lacking ideological baggage and methodological apologetics, the book established Hacker as a rising star in political science. I recall thinking how rare it was for a book by someone so young to demonstrate so much poise and self-assurance.

The Divided Welfare State is even more thoroughly researched than *The Road to Nowhere*, and it expands the author's scope from health care to pensions, but in many ways it is not as good a book as its predecessor. It introduces pomposity into Hacker's work. Not content to allow readers to draw their own conclusions, he proclaims what he believes to be the "key insight" as well as the "central goal" of his new book. (The notion is that path dependence matters as much in the story of private benefits as it does in the history of public ones, and the goal is "to specify exactly what it means to say that political processes are path dependent and to clarify the essential relationship between path dependence and arguments about timing and sequence.") He insists that his method is "comparatively informed" even if he rarely discusses non-American examples. He even praises himself for "the extensive sweep of my analysis," just in

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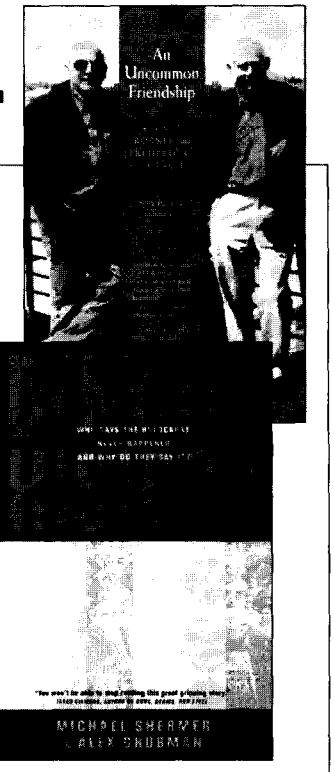

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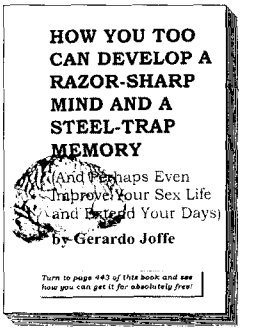
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case the reader missed it. All this seems to be part of a trend these days among doctoral dissertations that are turned into books published by university presses. One must at all costs say something original, and evidently the best way to convince readers that one has done so is simply to announce the fact.

Like other doctoral dissertations turned into books, moreover, Hacker's is stronger in the middle than it is in its introduction and its conclusion. Compared to the days of my own doctoral work in the 1960s—we were generally a lazy bunch—younger scholars now typically engage in exhaustive research and frequently uncover fascinating empirical material. But they are also encouraged—compelled, really—to squeeze their material into whatever theoretical approach happens to be in fashion at the time. The theoretical chapters of dissertations turned into books inevitably tend to be worthless, however much they impress thesis committees and search committees. Since his research is strong, Hacker's book perversely illustrates the flaws of graduate training in the social sciences, for it provides such a strong contrast between substance (what Hacker has learned on his own) and form (what Hacker has to do to persuade readers that he made some theoretical breakthrough). Reading Hacker defend path dependence is like listening to a trial lawyer making the best case he can for a defendant whose innocence he doubts.

Academic convention insists not only that one must have a theory, but that it must also be a relatively fresh one. For a while, rational choice theory was all the rage; but as others have noted, rational choice theory never seemed to explain much of the world outside the academy, though its focus on the pursuit of self-interest did seem rather appropriate to understanding academic careers. The application to the fad of path dependence is obvious. Once large numbers of scholars invested in rational choice theory, the point of diminishing returns set in, and it was only a matter of time before a new theory began to beckon. "Historical institutionalism" became the preferred venue for many scholars who believed that there was more to human beings than self-interest, and the consequence of that turn was the publication of a number of important books that showed how contemporary political institutions were shaped by historical forces. Then along came path dependence as a way in which historically trained scholars could prove that they were as theoretical as the next guy, which in political science departments typically means the rational choice types. And so, although historical approaches began as an alternative to rational choice, they quickly started to mimic its economic language and its grandiose claims.

I do not for a moment believe that Hacker filled his book with vapid and cumbersome theoretical jargon in order to advance his academic ambitions. He did not need to do so: his scholarship is thorough enough to impress just about anyone. The situation, alas, is more depressing. I read Hacker's book as proof of just how much self-confidence the academic world has lost. There is no language within political science for congratulating a young scholar such as Jacob Hacker for simply doing a terrific job (as one assumes there was in the 1950s and 1960s, when scholars such as V. O. Key and David Truman wrote great, if theoretically undernourished, books whose value was widely appreciated). Content is rarely discussed when newly minted Ph.D.s go on the job market. Power Point, the enemy of thinking in all its forms, is instead used to let people know what approaches one has accepted and rejected and which methodology one prefers. Arguing over theory and method makes everyone happy because the issues have been rehashed so often that everyone has a position—and knows the position of everyone else.

Without a commitment to understanding politics in the real world, few checks exist within political science to prevent scholars from being as abstract or as irrelevant as they choose to be. That is why we have had functionalist, Marxist, rational choice, and now path dependence theories of the welfare state, all of which have managed to overlook much of what is happening to welfare states in the real world. To grasp those changes, one has to turn to an established scholar such as Neil Gilbert, comfortable enough in his expertise to resist being showy, and turn away, however reluctantly, from an otherwise sparkling treatment that lacks the confidence to make its case on its own terms. ■

The Box of Tricks

By RUTH FRANKLIN

The Autograph Man by Zadie Smith

(Random House, 347 pp., $24.95)

IS ZADIE SMITH a pseudonym for Dave Eggers? This question is not as absurd as it sounds. In the three years since he founded *McSweeney's*, the literary quarterly famous equally for its exquisite packaging and its high-ironic sensibility, the possibility that all the contributions might be written by Eggers alone has been a continual source of speculation. Eggers's expansion of *McSweeney's* into a book-packaging enterprise—offerings include *The Neal Pollack Anthology of American Literature* and the recent *I.*, by Stephen Dixon, as well as an imminent new novel by Eggers himself—has only deepened the mystery. How else to explain the books' near synchronicity, in both style and substance, with the work of the man behind the curtain?

Now, alas, we must add another possible Eggers alias to the list. Oddly, Smith's debut novel, *White Teeth*, was the antithesis of everything that *McSweeney's* represents. While the McSweeneyites tend to emphasize typographical games over such dinosaurs as plot or character, *White Teeth* is an old-fashioned, almost Dickensian novel, charting the courses of two families, the Joneses and the Iqbals, over several generations. Archie, an Englishman, is married to Clara, an immigrant from Jamaica. Samad and Alsana came to London from Bangladesh; he and Archie are Army buddies. While some elements nudge at the boundaries of realism, the book never falters, thanks to Smith's controlling intelligence. And she manages to deploy her various images of teeth just enough to allow them to gain momentum as a powerful metaphor for immigration, but without the sort of theme-hammering characteristic of more self-indulgent writers.

In the two years since *White Teeth*, however, Smith has become progressively McSweenified. The first ominous sign was a blurb from her on the cover of *Dogwalker*, a collection of short stories by *McSweeney's* contributor Arthur Bradford that could easily be the worst work of fic-

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tion published last year. (At the risk of sounding melodramatic, it made me feel physically ill.) Then a story by Smith herself appeared in *McSweeney's 6*, a volume accompanied by a soundtrack composed and performed by They Might Be Giants. The last page of Smith's entry was blank but for the comment "Ms. Smith's story used to be longer."

One would like to dismiss all this as typical Eggers ridiculousness. But the pranks now culminate in *The Autograph Man*, a full-blown *McSweeney's* production in all but name. Gone almost completely are the imagination and the humanity of *White Teeth*; they have been replaced by gimmickry. The gimmicks, unfortunately, are not confined to the level of topography; they are manifest in nearly every aspect of Smith's new novel, from the cartoonish figures to the caper-filled plot. In a recent interview in the *Observer*, Smith remarked: "Often I feel when I'm writing certain characters and their traits that I have already seen them on TV. In sitcoms or whatever." Though it repeatedly asserts, "YOU ARE NOT WATCHING TV . . . YOU ARE NOT WATCHING TV," Smith's latest is a supersize sitcom, a made-for-TV novel.

THE "AUTOGRAPH MAN" is the half-Chinese, half-Jewish Alex-Li Tandem, who is obsessed with two things: obtaining the autograph of the elusive 1950s movie star Kitty Alexander; and dividing the world into the categories of "Jewish" and "goyish," in the familiar manner of Lenny Bruce. He is writing a book called *Jewishness and Goyishness*, "three hundred pages and counting of what amounted to a two-sided list. Jewish books (often not written by Jews), Goyish books (often not written by Goys); Jewish office items (the stapler, the pen holder), Goyish office items (the paper clip, the mouse pad); Jewish trees (sycamore, poplar, beech), Goyish trees (oak, Sitka, horse chestnut); Jewish smells of the seventeenth century (rose oil, sesame, orange zest); Goyish smells of the seventeenth century (sandalwood, walnuts, wet forest floor)." Alex heads each section with the tetragrammaton, the four-letter transliteration (in English "YHWH") of what the Jewish tradition believes to be the unpronounceable name of God, "as if the invocation of the Holy Name would protect his heresy."

Like Alex's creation, the main body of *The Autograph Man* (there are also a prologue and an epilogue) is divided into two sections, Jewish and goyish: the first structured loosely around the principles of the Kabbalah, the second structured loosely around the principles of Zen Buddhism. The prologue begins with the twelve-year-old Alex, accompanied by his father, Li-Jin, and two other boys, Adam and Rubinfine, on the way to a wrestling match. From the start the tone is boisterously comic, and Smith sketches the bullying and jokes and rude noises of these adolescent boys with great skill. Every movement is the "International Gesture" for something: vomiting, masturbation, surprise. Rubinfine is "the kind of child who would set fire to his own clothing just to see the look on his mother's face." Adam is "definitely a nice boy, with a bit of a weight problem which may or may not be the root cause of his niceness." At one point Li-Jin wants to stop at a pharmacy. "Any complaints?" he asks his passengers. "You smell?" Rubinfine offers. What is funny is not the joke itself, but the astonishing verisimilitude with the way fifteen-year-old boys talk and think.

There is tragedy as well as comedy in this section—unbeknown to his son, Li-Jin is dying from a brain tumor. Happily, Smith does not linger too long over this subplot, but fixes her eye instead on the carefully diagrammed relationships between the boys and between Alex and his father. At the match they are seated next to the accountant Herman Klein and his son Joseph. The "gruesome" Klein, seen from Li-Jin's fastidious perspective, is little short of a monster: he speaks in a "slimy falsetto," and he has a "superfetation of carbuncles [and] below this a dirty brush of a mustache." But Joseph, to whom his father refers not-so-lovingly as "a little weed," is the first autograph collector whom Alex has met; and improbably but believably—Joseph is the epitome of geekiness—Alex is intrigued. Joseph is telling them about his collection when his father, who has gone to get ice cream, reappears.

> "What else is in it? In the Jewish folder."
>
> "Nothing."
>
> But he doesn't mean nothing, he means "*Here comes my father*," which Alex picks up on immediately but Li-Jin completely fails to get. . . .
>
> "BORING YOU, IS HE?"
>
> Li-Jin stands up to get out of Klein's way, and ends up having to stand on the seats with the boys to allow Klein and his belly to get past.
>
> "No, not at all, actually. We were just talking about Joseph's collection—about the Judaica. . . ."
>
> Klein licks his ice cream and smiles. Without the slightest trace of pleasantness or good humor. Li-Jin realizes that he has inadvertently given the man some material—of what kind he has no idea—

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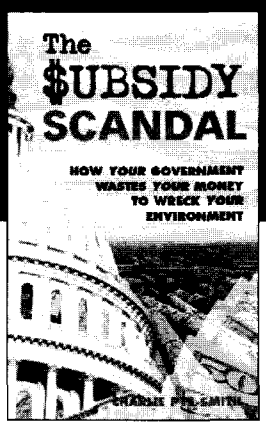

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from which he means to fashion a missile to throw at this child....

He feels very sad. Joseph threw a precious thing to Alex and Alex threw it to Li-Jin and then Li-Jin, instead of protecting it, let this great ape shatter it right there on the floor in front of them.

Despite Klein's parodic grotesqueness, there is a very human sadness in this scene: in Joseph's fear of his father, in Alex and Joseph's timid shufflings toward friendship, in Li-Jin's sense of his own failings as a parent.

WHEN WE TURN from the prologue to Book One ("The Kabbalah of Alex-Li Tandem"), Alex is suddenly twenty-seven, but the tone of the narrative has not changed at all. Clearly he is suffering from an advanced case of arrested development, but the adolescent jokes get old very fast. Everyone is still making International Gestures. The YHWHs at the start of each section of the prologue have mercifully disappeared, but they have been replaced by another device ripped straight from the pages of *McSweeney's*: an eccentric summary at the top of each chapter that pinpoints a few highlights from the text below. Such gimmicks—which include also the use of a special font to represent the autographs of certain people and a re-imagining of the principles of Jewish mysticism as they might pertain to Elvis—form a thin frame on which to stretch a novel.

When we re-encounter Alex after nearly fifteen years, he is recovering from having taken a type of LSD nicknamed "Superstar," which "made itself famous all through his body." The workings of fame are now of professional as well as pharmaceutical interest to Alex, as he makes his living buying, selling, and verifying celebrity autographs. As he surveys the wreckage of his life after the acid trip, he discovers that he has totaled his car, infuriated his girlfriend (who was in the car), and somehow come into the possession of what appears to be a real Kitty Alexander autograph.

Alex's obsession with autographs is a kind of linguistic mysticism, and Smith is right to find something at least semi-kabbalistic about the idea of the autograph: the letters themselves seem to manifest power. (There is also the added irony that the Kabbalah has itself become the recent plaything of a variety of celebrities.) At the core of the novel is a version of the old-fashioned spiritual quest, as Alex tries to determine whether his Kitty Alexander is real or fake, and as his friends encourage him to return to his Jewish roots and say Kaddish for his father on the fifteenth anniversary of his death. In a roundabout way, Alex seeks a religious awakening, first through Jewish mysticism and then through the pursuit of Zen enlightenment, but he must first come to terms with the false gods of Hollywood.

The Kabbalah of Mountjoy, Alex's generic London suburb, is replaced in the book's second half by the Zen of New York, where Alex travels for an autograph convention. With nothing more to go on than the name of her neighborhood, he has resolved to hunt Kitty down; and at their meeting he achieves an epiphany of sorts. Over the years that Alex has been sending autograph requests to Kitty via her fan-club president, his notes have evolved from the typical fan letter into brief, lyrical evocations of Kitty's life:

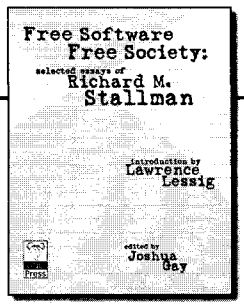
> Dear Kitty,
> She hopes for nothing except fine
> weather and a resolution. She wants to
> end properly, like a good sentence.
> Yours,
> Alex-Li Tandem

As it turns out, Alex's letters have tapped into a private vein of Kitty's soul. His worship of celebrity has been rewarded with a genuinely mystical experience: a spiritual communion.

Fearful that Kitty's manager is taking advantage of her, Alex convinces her to accompany him back to London, and plans to make both of them rich by selling her autographs. But just after they arrive back home, the news of Kitty's death is all over the news, presumably planted by her manager to cover up her unexplained disappearance. The timing is perfect for Alex, who is now able to sell the autographs at hugely inflated prices. But something doesn't seem quite right here. Why would the manager fake Kitty's death rather than send the police searching for her? This, as well as a few other odd hints, seems to suggest that the book's last hundred pages may be a dream, or a fantasy, or anything but a plausible representation of reality.

THE CREATION OF Alex, in all his post-adolescent atrociousness, is new proof of Smith's talent. At a time when few young novelists seem willing to wander far from the comforts of autobiography, Smith's flexible imagination confirms her as a writer who deserves to be taken seriously. It is difficult to think of another recent novel in which a woman has drawn a male narrator so convincingly. At points the laddishness of Smith's mindset, particularly the way she writes about sex from a male perspective, makes one wonder if she is channeling Nick Hornby—or is that Dave Eggers behind her, tipping his hat? But in general her man's-eye view of the world feels true, and it is an artistic accomplishment.

In comparison with the richness of story and metaphor that characterized *White Teeth*, though, *The Autograph Man* feels disappointingly slim. For the earlier book's patient unrolling of plot and character it substitutes the tricks of the McSweeney's age: quirky lists, cute drawings, typographical high-jinks. An entire conversation between Alex and his girlfriend is given in instant-message format. Another dialogue is all in capital letters, to show that one of the characters is out of the room. Describing the wrestlers, Smith writes: "if you have a better phrase than *like thundering elephants* insert it here [ ]". There is a running gag involving midgets, apparently for no other reason than that midgets are inherently funny. The computer is referred to constantly as the "box of tricks," which I kept confusing with the television. And Smith pushes the International Gestures far beyond all sense: we end up with "the I.G. for *Soon, if we are lucky, everything in this world, including the man I speak to now, will be reduced to dust.*" All these jokes are inoffensive enough, but they sour with the tedium of repetition. (There are also some tasteless jokes, including the comment that "the wise guy Walter Benjamin" needs "a comb, a better tailor, a way out of France.") The hold music on an office telephone line—not the freshest device to begin with—is mentioned at least three



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times. Smith proves definitively that pounding on comedy will not make it more tender.

Worse, Smith seems to have meant her remark about sitcom characters seriously; some of her motifs could indeed have been lifted right out of *Seinfeld*. As on television, certain characters are defined by one or two repeated attributes: they are always presented in the same setting or performing the same activity. There is a running gag in which three rabbis attempt to load large pieces of furniture into small cars. Marvin, Alex's "milk operative," is a sitcom character if ever there was one: a jive-talking recovering addict who intimidates his customers into ordering expensive dairy products. When Alex's epiphany finally comes, it carries all the weight of a season finale.

Exaggeration for comedy's sake is permissible, even necessary; but if actions stray too far from common human behavior, the humor may fall through the gap. "The phone rang. The downstairs phone being without cord, Alex picked it up and walked to and fro with it in the hallway for a while, like a new father with a distressed baby, hoping the thing might either make a new noise or fall silent. It did not." Would anyone actually do this? "At the thought of his wife of five years, Rubinfine struggled with his face, and from among several more benign choices, a look reminiscent of Lenin after his second stroke won out." Does anyone—anyone of Rubinfine's generation, at least—know what this is supposed to look like?

Elsewhere it is the language that misses its mark. England is called "a shrunken parody" of the United States, "like Lilliput," which seems altogether untrue. A bathroom is so small that it is literally a box: "If you were *giving a loo for a present*, and you wanted a box to put it in, you would put it in this." England, seen from a plane, is described as an "autumnal quilt," which is fine except that it is nighttime. Rubinfine's overdecorated house is like "living in a violent tea cozy." This last image sounds good, but think about it and it starts to disintegrate.

Smith showed some of this affection for the absurd in *White Teeth*, but the combined power of her imagination and her writing nearly always compensated for it. In *The Autograph Man*, however, she seems to lack the confidence to follow through. Consider the character of Esther Jacobs, Alex's girlfriend and the sister of his childhood friend Adam. Esther is a bald black Jew, originally from Harlem, who came to England as a child so that Li-Jin could fit her with a pacemaker, which she still wears. Her character might have worked, or at least have come close to working, in *White Teeth*, simply because Smith would have insisted on it. That novel was filled with improbabilities—a devout Muslim woman who sews dominatrix clothing, a terrorist group that goes by the acronym KEVIN—yet the sheer force of Smith's imagination prevented the reader from shoving these things aside: she pushed and pushed on her characters until they came to seem inevitable, or at least possible. *White Teeth*, though, had the benefit of a strong authorial voice: an omniscient narrator who presided over all, doling out descriptions and judgments with the occasional cheeky aside. *The Autograph Man*, by contrast, is told entirely from Alex's perspective, and we are given no reason to take him seriously.

It does not help that the book is plagued with annoying inconsistencies. The prologue explicitly states that the three boys are not close friends, but later they are presented as best buddies. The adult Rubinfine (who is a rabbi) bears no resemblance to his rude childhood self—surely some allowances must be made for growing up, but he is an entirely different character. One of the autograph collectors with whom Alex works is portrayed as a pathetic good-for-nothing in the first part of the novel, but toward the end of the book, when he dies, we are suddenly asked to feel tragic about it. Honey, a prostitute modeled on Divine Brown who serves as Alex's unofficial guide to Zen Buddhism, is so preoccupied with germs in her first few scenes that she refuses to remove her long black leather gloves or to even brush against Alex, but after a few pages these peculiarities vanish entirely. And it is very hard to imagine a believing Jew making a regular practice of writing out God's holy name, even if, as Smith puts it, he happens to be using a nice pen.

This touches upon a larger point. There is something discomfiting about Smith's incorporation of the Hebrew tetragrammaton into her impudent imaginative universe. Part of this is simple superstition: even secular Jews have a hard time letting go of the gravity that surrounds these letters. (Tradition dictates that the paper on which the word is written must be buried.) If Smith is toying with it for shock value, she has certainly hit her mark. But despite her comedic tendencies, Smith is too deeply serious a writer to rely purely on the need to offend. Like her riffs on the halachah of pot-smoking, her visual punning on the supposedly unsayable name of God—each invocation resides within a little cartoon bubble, as if it were being spoken—has something in common with Rushdie's irreverent game with religion in *The Satanic Verses*. But while Rushdie clearly had a philosophical point to make, Smith's end does not justify the means. I do not mean to accuse Smith of blasphemy, because non-believers cannot blaspheme. I mean only to say that Smith's purposes in this novel are too small to justify such profaneness.

We must not judge works of art for their fidelity to religious principles, obviously. But we must judge them for their fidelity to artistic principles. And *The Autograph Man*, trifling with the sacred, simply does not have the creative strength to make a case for its own irreverence, which is, in the end, just more McSweeneyish shtick. (In fact, a recent issue of *McSweeney's* featured excerpts from the Bible printed all in italics, apparently to make fun of electronic book publishing.) Smith's novel illustrates the danger of granting gimmicks too much force: they quickly multiply beyond their creator's control, not least because they are so easy to do.

With her rich and brutal imagination, Smith is the last writer of her generation who should fall under Eggers's spell. It is sad to see her in thrall to a writer who is not remotely her equal. But de-McSweenification is only half the battle. There is also the question of whether Smith will return to the novel or continue with her apprenticeship in the sitcom. "*I saw the best minds of my generation/accept jobs on the fringes of the entertainment industry*," Alex quips. The autograph man could turn out to be a prophet after all. ■

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WASHINGTON DIARIST

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I AM HAUNTED BY THE VISION of a dystopian future. This particular vision will be familiar to anyone who saw the film *Minority Report* over the summer. The year is 2054; the setting, Washington, D.C. City residents are under constant surveillance—subjected to retinal scans every time they get on or off public transportation, enter or leave office buildings or apartments, even walk down city streets. The government knows where they are virtually every minute of every day. *Minority Report*, with its tagline "Everybody runs," received a good deal of attention for its vision of a coming police state, which many found particularly relevant in light of the ongoing war on terrorism. Not me. What terrified me about life in this future Washington, D.C. wasn't the Big Brother government; it was the ads.

EVERYWHERE TOM CRUISE'S CHARacter goes, he is accosted by talking billboards and badgered by holographic vendors. A Lexus sign calls him by name to announce, "The road you're on . . . is the road less traveled"; a bathing beauty beckons from an American Express ad, "Need to escape? Blue can take you." But there is no escape, not even in Cruise's own apartment: The mere act of opening a box of breakfast cereal causes it to belt out an inane, squeaky jingle as animated figures race across the cardboard. When, in an effort to elude a law enforcement dragnet, Cruise surgically exchanges his eyes for someone else's, he succeeds in escaping the government—but not the retail sector: "Hello, Mr. Yakamoto," a virtual Gap employee cheerfully addresses him, "How did that set of assorted tank tops work out for you?" This, to my mind, is the most convincing portrayal of hell yet committed to celluloid. Since seeing the film, I've had nightmares in which I'm waylaid in front of my local pharmacy by a chirpy, digitized apparition who asks whether the hemorrhoid cream I purchased the previous week has done the trick—and if not, would I care to purchase an inflatable rubber doughnut to sit on?

THERE IS GOOD ADVERTISING AND there is bad advertising. OK, that's a lie: It's all pretty awful. But some forms are more intolerable than others. I've made my peace with print ads, which just sit there, quiet and inert, waiting patiently for me to ignore them. And television's advertising seems to be the price we must pay for television: I was disappointed, but hardly surprised, to discover that TiVo—the fast-growing digital TV recording system—had early on knuckled under to broadcasters and removed a "commercial skip" feature that enabled viewers to pass over ads with the touch of a button. But when it comes to more intrusive forms of commercial outreach, I am less forgiving. For several months now I have been engaged in an ongoing war—acknowledged only by me but no less real for that—with an ever-expanding and ever-more-aggressive cadre of local telemarketers. There was a time when both sides adhered to scrupulous codes of conduct: They wouldn't call the house at unreasonable hours, and I wouldn't greet them with profane invective and threats against their elderly relatives and pets.

BUT LATELY THE ENEMY SEEMS TO have redefined the rules of engagement. It is now not uncommon for telemarketers to call before nine in the morning or after nine at night—what my wife and I think of as the nobody-better-call-unless-they've-just-hurt-themselves hours. Worse still, the vast majority of these calls are now prerecorded; there's not even a hapless flunky on the other end of the line for me to terrorize. So, recently I decided to enter the technological arms race myself by purchasing something called the TeleZapper. The product packaging promises that it "keeps telemarketers out!" Inside, it explains that it does this by emitting a brief tone whenever we pick up the phone, which—in addition to irritating friends, family, and other legitimate callers—should persuade the autodialing machines used by telemarketers that our line has been disconnected. I confess I was rather disappointed that the TeleZapper does not, as its name implies, actually deliver a powerful electrical charge to the telemarketer foolish enough to autodial my home. But then, what did I expect for $50?

EVEN AS I GAIN GROUND ON ONE front of the war, however, I find I am losing ground elsewhere. My latest nemesis is *Orbitz.com*. This online discount travel agency will be familiar to anyone who's spent much time looking for cheap plane tickets or hotel reservations on the Web. But then, it will be familiar to anyone who's spent much time doing *anything* on the Web, for it is one of the most aggressive employers of the dreaded pop-up ads that effloresce across one's video screen like a sudden and unpleasant rash, conveniently using up all the memory that your computer might otherwise have devoted to opening the Web page you had intended to visit—in my case, typically *CNN.com*, ESPN online, or *www.learnyourcoworkerssalaries.com*. Orbitz is a pioneer in online annoyance not only because of the ubiquity of its pop-up ads but because they contain enough color and motion to induce seizures in unsuspecting Web surfers. In one—if you own a computer you have almost certainly seen it—multicolored butterflies flap upward against a background of flowers and what appears to be an origami Eiffel Tower. Another, sporting the dubious headline "CLICK THE CABANA BOY," features a swarm of dark-skinned young men in black pants and colorful jackets scurrying across the screen with trays in their hands; it's almost Old Empire enough to make you want to go out and see the spectacularly unnecessary sixth remake of *The Four Feathers* currently clogging your local multiplex. Almost.

IT IS A CONSTANT AMAZEMENT TO ME that Orbitz's ad strategy—call it outreach by infinite annoyance—works at all. I now loathe the company so utterly that I can't imagine ever using its services, regardless of the merits. (Note to Orbitz execs: Just try to prove me wrong by offering a three-week Italian vacation for 200 bucks.) What kind of people respond to this barrage of negative stimuli by giving Orbitz their business? I previously imagined that they must be either a) inhumanly slow to anger, or b) utterly fascinated by bright colors. Recently, though, I discovered that a friend and colleague to whom—as far as I know—neither of these conditions applies, used Orbitz to book his flights and hotel for a work-related trip. He pointed out to me that he had gotten a decent hotel room in a major city for $75. I pointed out to him that Orbitz would spend perhaps $60 of that total visiting plagues of butterflies and cabana boys upon my computer. He pointed out to me that nonetheless he was saving a good deal of money. I pointed out to him that nonetheless if he ever used Orbitz again I would notify everyone in the office of his recent purchase of hemorrhoid cream. He seemed to take the hint. Everybody runs.

CHRISTOPHER ORR

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The Six-Front War

Charles Hill
a research fellow
he Hoover Institution
d a career minister
n the U.S. Foreign
Service.

Today's war on terrorism must be waged on six fronts:

1. In the world's hinterlands, where state authority has collapsed (as in Afghanistan), terrorist networks must be destroyed and nation building must follow.

2. In Western liberal societies, particularly Europe, years of benevolent unconcern about terrorist nests being built in their cities must be reversed through tough police actions.

3. Arab regimes must recognize their self-disabling practices (lack of freedom, suppression of women) as set forth in the recently released United Nations report. Arab states have used the Israeli-Palestinian conflict as a pretext for delaying democratic change. They must reform or go.

4. The Israeli-Palestinian peace process was destroyed when Islamist terrorism took hold in 2000; from that point on, no Palestinian leader could sign any agreement with Israel and live. **For peace to be contemplated, the terrorists must be defeated.** As that takes place, U.S.-led regional cooperation can help build the foundations for a Palestinian state and a two-state solution.

5. The war on terrorism must be conducted in the peripheral regions of the Muslim world where terrorists are trying to extend their presence. Here the United States can help, on a case-by-case basis, as in the Philippines, Indonesia, and Central Asia.

6. The war also includes "the axis of evil." North Korea, Iraq, and Iran make up a network dedicated to amassing weapons of mass destruction. Iraq and Iran act as obstacles to peace for Palestinians. All three commit human rights violations on a massive scale. Each represents an ideology that has chosen war with the international system of states: the communism of North Korea, the fascism of Iraq, and the Islamism of Iran.

All six fronts have one issue in common: the fate of the state. Thirty years ago, Joseph Strayer, a scholar of the origins of the modern state could write, "Today we take the state for granted." No more. This year, scholar John Gray notes that "a salient fact about our current circumstances is that in much of the world the modern state has collapsed."

Liberals want more from the state, conservatives less. But both could agree that the sovereign state, and the international system of states created to serve it, provides the only accountable, serviceable, and near-universal structure available. The 1990s saw damage done to this system, with no sustained effort to renovate it. New forces of globalization outpaced state powers. And intellectuals, bureaucrats, and activists disparaged the state as outmoded, calling for new forms of global cooperation beyond the reach of the old state systems like the European Union and the International Criminal Court.

For a decade now, the state has been undermined from below while ceding sovereignty to higher levels. Terrorists have been able to burrow within this weakened system. The task now is threefold: to reverse further deterioration to the state and its sovereignty; to recognize that international organizations can work when responsive to their members but not as near-autonomous entities; and to wage the war on terrorism until it defeats the Islamist ideology that defines itself against the modern state.

— Charles Hill

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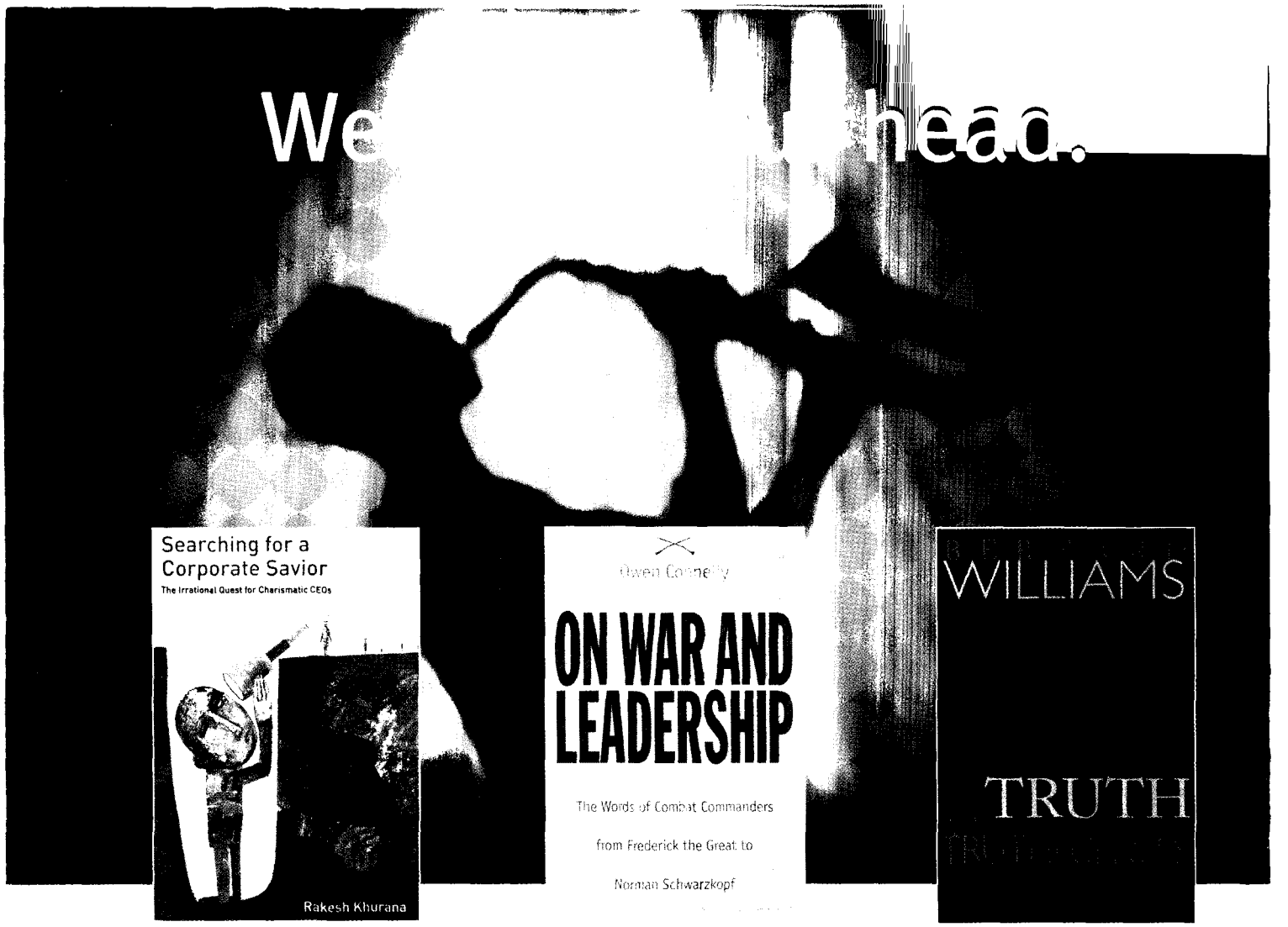

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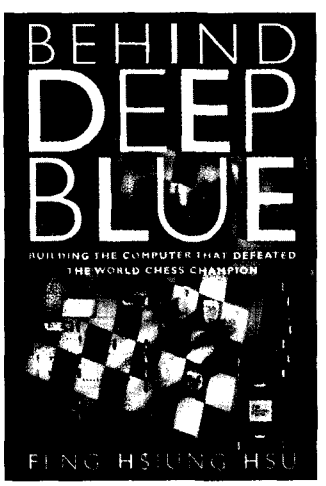

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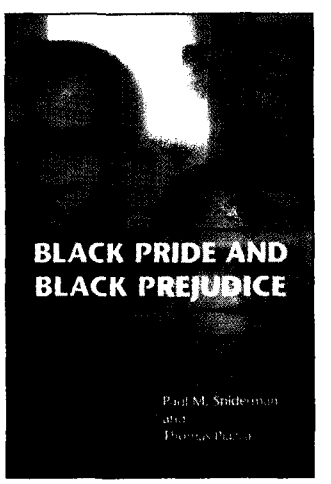

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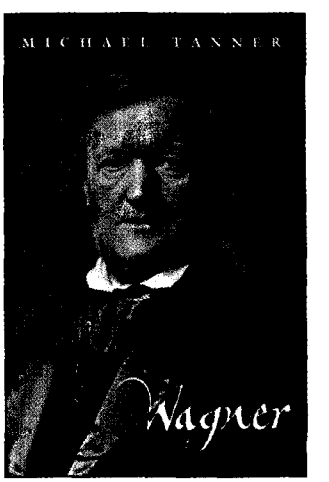

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